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POLITICAL SCIENCE QUARTERLY

REGULATION OF BUSINESS IN CANADA[1]

THE experience of Canada in regulating business is at least interesting. It also is valuable, as showing the results of experiments, some of which have been successful, some injurious, and some political fiascos. We find examples of successful policies when the element of professional politics has been kept in the background, and examples of farces that are well-nigh tragic when the influence of professional politicians has been paramount. Business requires policing, but it is worse than the blind leading the blind when regulation is not divorced from the political game.

In general, the policy of Canada toward the so-called trusts and toward all kinds of business consolidation has been very liberal. We find no official tendency toward "trust-busting" there, no attempt to discourage any business because it is big. The Canadian Pacific Railroad has long flourished as a transcontinental route and even, with its ocean services, as an almost globe-wide route; and yet the only effect this has produced upon official Canada is to stimulate the government, through its newly acquired national railway system, to attempt to copy the example. The largest portion of the Canadian tonnage steaming on the Great Lakes–St. Lawrence route is in a large combine, and steps were recently taken to absorb this combine into a new steel and shipping corporation second in size among the world's consolidations only to United States Steel, and proportionately much more monopolistic in Canada. The canning

[1] This article is based on first-hand information. The author served as Cost of Living Commissioner for the Canadian Government in 1918–1919.

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industry is almost wholly in one tight combine. The plumbers' supplies in Central Canada are controlled by a hard-and-fast price-fixing group. The wholesale grocers have lately formed a powerful association, and in their initial organization meeting they voted down the proposal to avoid the policy of price agreement. The retail merchants have a Dominion-wide association with provincial and local divisions in all parts of the country. This association has openly defied such anti-trust laws as exist and boasts of the number of representatives and influence which it has in Parliament. The retailers and wholesalers have gotten together to confer as to what steps they may take to stop the advance of the cooperative movement and have employed the boycott in this undertaking.

All these things exist in defiance of the letter of the law, and yet most of them exist openly. One of the reasons is that in a country which is young economically, as is Canada, business organization on a considerable scale is necessary for the country to hold its own industrially. At best, industry is somewhat handicapped beside the rivalry of larger countries. To develop new resources a goodly degree of liberty is needed. Unfortunately, no distinction has yet been discovered between the combines which have been formed for efficiency and those which are formed to cover inefficiency. A dealers' combine to give a living profit to a twice-full trade is allowed just as readily as a canners' combine which is almost essential to conduct such an industry with efficiency. A combination that makes internal distribution so expensive as almost to nullify a protective tariff is permitted to exist side by side with other pools necessary to maintain an export trade. In part, this lack of discrimination is due to poor economic judgment, but in part also to the fact that, while the largest part of business is legitimate and is too busy giving service to concern itself with public matters, those concerns which depend upon questionable methods are never so busy giving service but that they can take a full amount of time for lobbying and influencing the political mind.

The earliest serious official notice of combines came to light in 1888 when the House appointed a committee to examine into and report upon the effect of combines. The committee

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found combination to exist in the case of sugar and groceries, undertakers' supplies, cordage and binder twine, among millers, founders, confectioners etc. Their report advised legislative action for repressing the evils arising from these and similar combinations. As a result of this report legislation was enacted which now appears as Section 498 of the Criminal Code.

This Section reads as follows:

Every one is guilty of an indictable offense and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years imprisonment, or, if a corporation, is liable to a penalty not exceeding two thousand dollars, and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company:

(a) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any article or commodity which may be a subject of trade or commerce; or

(b) to restrain or injure trade or commerce in relation to any such article or commodity; or

(c) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(d) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

Another clause removes combinations of workmen from the provisions of the section.

As originally passed, the section included the word "unlawfully" after the word "transportation company" in the initial paragraph. This open door was closed in 1900 by striking out the word "unlawfully," thus putting the burden of proof upon the defendants.

In 1897 a further provision against the evils of combination was inserted in the Customs Act (1896–97, Chap. 16, Sec. 18). This allows the government to commission any judge of the Supreme Court or Exchequer Court of Canada or of any superior court in any Province to make an investigation and

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report findings when there is reason to believe that a combine is unduly enhancing prices. If the report of the judge shows that the customs duties enable a combine to injure the consumers, the Governor in Council is empowered to reduce or remove the duty on the article in question.

In 1900 this law was enlarged to apply to combines resulting from a court judgment.

This law was invoked once in 1901 in the case of news-print paper and the duty was reduced. What effect resulted may be gathered from the fact that prices were already lower in Canada than at other sources of supply.

In 1906 an act was passed allowing the government to cancel any inland revenue license where the manufacturer holding the same employed a contract imposing a burden upon those customers who dealt also in the goods of rival firms. There is no record at hand to show that this law was invoked for any but the specific case for which it apparently was brought into being, viz., the American Tobacco Company of Canada, Ltd.

In the few years before the panic of 1907 there were several prosecutions under the Criminal Code, Section 498, in which convictions were secured, and in several civil actions to enforce agreements the defendants successfully pleaded the illegality of their agreements under the provisions of Section 498. Among the alleged combines so called to account were some which either themselves or through their business successors are still in existence today and more flourishing than ever. One was a combine in plumbers' goods in Toronto. The writer found certain evidence of such an organization working along rather elaborate lines in 1919.

In the first decade of the century the movement toward actual consolidation found considerable impetus. About 1910 a temporary reaction set in owing to the collapse of a few of the ventures, and it was several years before the movement toward combination was fully renewed.

The old legislation had been aimed at conspiracies between two or more separate parties. Actual mergers were not covered by the law. To include such mergers in the provisions of the law and also to provide machinery for enforcement

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somewhat similar to that which was giving satisfactory results in the field of labor disputes, Mr. Mackenzie King, as Minister of Labour, introduced the Combines Investigation Act which became law in May, 1910. This included among the interdicted forms of business organization "what is known as a trust, monopoly or merger."

The new legislation provided machinery for investigations and penalties for infractions. However, to set this machinery in motion it was necessary that six or more British subjects, residents of Canada, should state in writing to a judge that they believed that a certain combine existed and that thereby prices were enhanced or competition restricted to the detriment of consumers or producers. They must also declare themselves to be injured by the alleged combine and must set forth in writing (a) the nature of the alleged combine and the persons believed to be concerned therein; (b) the manner in which the alleged combine affected prices or restricted competition, and the extent to which the alleged combine was believed to operate to the detriment of consumers or producers. Following the receipt of such a detailed charge the judge must hold a hearing of the complaint and the defense. If upon such hearing the judge was satisfied that a combine existed which was injurious to trade or which operated to the detriment of consumers or producers, and that it was in the public interest that an investigation be held, the judge was supposed to direct an investigation under the act. The order of the judge directing the investigation was to be forwarded to the Department of Labour and the Minister thereupon was to appoint an impartial board to make a complete investigation. This board was to have full power to compel the attendance of witnesses and the production of documents. However, they were not allowed to make field investigation or otherwise to make an effective audit of any books. Upon return of a verdict of guilty to the Minister of Labour the offenders were confronted with the penalty of $1,000 a day if they still persisted in the same offense. The government also might have any protective customs tariff reduced if they saw fit. But there was no provision for prosecution for offense committed before the final findings of the

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board. At most, the offenders could be told that if they were not good in future they might be fined.

As was to be expected, only one action was taken under this act and that was against a foreign corporation. In labor disputes men can readily be found to bring complaint. But for anyone who is an injured party under an alleged combine to lay information is to court reprisals, whether or not the case is successful. The case of one man in Hamilton, who laid information before the Board of Commerce and was not only openly reproved for the same by the acting chairman of the Board but dismissed from the corporation by which he was employed, was sufficient to make it plain in Canada that no relief could come from such a program.

This law lay on the statute books until it was forgotten. Finally it was repealed in July, 1919, with the passage of its successor, the Combines and Fair Prices Act.

As the cost of living kept rising before the war, the public became mildly excited and the government appointed a research commission to inquire into the cause of this distressing phenomenon. They held hearings and published two weighty volumes of statistics which diverted but few minds from their distress.

In the early days of the war the government was too busy turning Canada from a land of peace into a land in which war was the one important matter, to take any official action to stem the advance of rising prices or of popular discontent against the new burdens. However, in the autumn of 1916, Mr. Crothers, who was Minister of Labour, had an Order in Council passed under the War Measures Act which he, doubtless, fully intended to help solve the difficulties. This new law—for such was the force of this Order in Council—took to itself from Section 498 of the Criminal Code the jurisdiction over necessaries of life, defining the latter as food, fuel or clothing, and reiterating the prohibitory clauses of the Code while omitting all qualifying words such as "reasonable." Now any combination to restrain trade or competition or to enhance prices was criminal. Along with these offenses was also classed any hoarding of necessaries of life by any manufacturer or dealer beyond

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the reasonable requirements of his household or the ordinary purposes of his business, and sales of such stocks were required at prices which were reasonable and just. The law specifically exempted from the hoarding provisions farmers holding the products of their own farms, and it expressly disclaimed any attempt to require any manufacturer or tradesman to sell otherwise than through the regular channels of business, no matter how devious and costly these were.

This new law gave the Minister of Labour the right to institute investigations into any possible breaches of the law, but it did not require that he wait for complaints to be filed before investigations might be started. He was permitted to make investigations into the business of any manufacturer, miner, warehouseman or dealer operating in necessaries of life, and was allowed to demand any information he chose from such parties relative to their operations in such necessaries of life. However, the investigation must be inaugurated by a written demand of the Minister, or his representative, setting forth in detail all the matters required. Only after such warning and only as relating to such specified matters was the Minister allowed to send his representative to make an investigation of the business of the party under suspicion, and then only if the answers to the written questionnaire were unsatisfactory or if no answer at all was made. In short, the possible offenders were given every opportunity to prepare a showing to suit themselves or even to destroy or change records, and in no case was the public authority allowed to make a thorough investigation of any business bringing to light any and all matters found worth while as continued search progressed. At best, direct investigations were to be confined to preconceived ideas of what might be found.

At the same time the council of any municipality was given rights of search within its limits. The said council must first declare by way of resolution that in its opinion excessive prices were being demanded for necessaries of life. It might then require all persons operating in necessaries of life within the limits of its jurisdiction to supply it with sworn statements of the amount, time of holding, cost and price of any such

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necessary. The municipality was more restricted in its inquiries than was the Minister, and could not demand information on other than the above points.

The municipal council was not empowered to hail into court any whom it might find offending. It must, if circumstances seemed to warrant such drastic action, refer its findings to the Minister of Labour, who might make further inquiries.

If the opinion of the Minister was that investigations had revealed an offense against the law, then he was required to transmit the evidence to the Attorney-General of the Province in which the offense had been committed. Such reference to the provincial authorities is necessary under Canadian law, for, while the Dominion enacts criminal law, enforcement is solely within the sphere of the Provinces. Thus to secure a prosecution under the new law it was first necessary to secure the action of the Minister of Labour for the Dominion and later the action or permission of the Attorney-General of the Province.

It will be seen that, while the qualifying words which exempted combines not attempting an "unreasonable" restraint of trade were removed, yet such other safeguards remained that the combines were reasonably well protected. It is but fair to state that in all this the gentleman who was then Minister was thoroughly honest in his attempts to protect the common people, and he, doubtless, was as much impressed as any by the imposing public safeguards which the new law was supposed to create. The new law purported to make the Minister, or his representative who administered it for him, a commission with investigating powers only, or what is technically a "weak commission." Unfortunately, in reality, the man who wrote the law made possible only a commission so weak that it was not even capable of making a respectable investigation. Its object was mainly to allay the popular unrest, while in reality, under its author, the first commissioner, it actually fomented trouble.

Since no Minister attempts to do much himself in the way of administering legislation, a man was appointed to carry on this work in the Minister's name. The party who drafted the law was the one selected for the task and he found the law sufficient

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for his ends. A low-paid staff, practically lacking in experts, was gathered together, investigations were made, and reports issued.

A system of cold-storage statistics was inaugurated, but this most valuable market information was so erroneously prepared that it caused almost an open rebellion in the trade. Pork in process of cure was counted as though in cold storage, and reported to the public as being hoarded from their hungry mouths. The same stocks of food were counted from the report of those owning them and from the report of the public storage which warehoused them, thus swelling the figures by many millions of pounds. In fact, the statistical system of compilation was so crude that, without any clerical errors, in one month, in the case of one-third of the items, the part was greater than the whole before adjustments were made to cover up the impossibilities. The effect of such a system on the trade was serious, but the effect was nearly tragic when the public was told officially that millions of pounds of non-existent food were being hoarded to enhance the prices, when necessity demanded large storings for army use and exports to the allies.

A report was issued on sugar as the result of which the main sugar and grocery interests were elated. A price agreement which was capable of vicious abuse was noted, but approved.

A report was issued on anthracite coal. This was based upon a superficial investigation and reports from the dealers. Unfortunately, these reports were made upon a questionnaire utterly lacking in accounting definition and were practically useless for the work of the Fuel Controller who was appointed. The same was true of the reports on food. Early attempts of both Food and Fuel Controllers to work cooperatively to save duplication of effort proved abortive and negotiations were broken off. Things came to a climax early in 1918. After reports of hoarding of food had been published which were utterly denied by the trade and based upon unsound statistics, and after a report had been issued claiming that the shortage of fuel in the extremely cold weather was due to hoarding by the rich, the Government was informed that either this party who styled himself "Acting Commissioner re Cost of Living"

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would be turned out or else certain parties conducting real regulation of the necessaries of life would resign. The inaccurate report on coal, coming as it did when the Fuel Controller was taxing his diplomacy at Washington to get permission to have more coal shipped from the United States on account of the unusually cold northern weather, was the most serious fault of all from an administrative viewpoint. After a few weeks the government accepted the resignation of the man who was popularly known as the "Cost of Living Commissioner".

No prosecutions were conducted under this régime. Several threats were made. The real efforts and effects were political solely and in reality reacted against the existing Government. The cost of living went up steadily, nothing was reduced and no rising price stayed. But a great show of activity was made and one great sacrificial offering, which will not be forgotten for many years, was made to the harassed buying public. This was the person of Sir Joseph Flavelle, a leading pork packer and, at the time, Chairman of the Imperial Munitions Board. Nothing could have been done the better to endear the "Commissioner" to the hearts of the thoughtless elements of the people than to brand as a profiteer the leading packer of Canada. Nothing could have been more popular with Sir Joseph's political rivals in the same party than to blight the political career of the aspiring and powerful Chairman of the Imperial Munitions Board.

The Imperial Munitions Board

By far the biggest thing Canada has ever done in the way of regulating her industries was done by the Imperial Munitions Board. Other efforts have had more of the flavor of repression and policing; the work of this Board was truly constructive, and, while none but a socialistic government could carry on such work in times of peace, it shows the wonderful results which can come from syndicated activity backed up by patriotic zeal.

The organized efforts to put Canadian munitions into the war were started under the Shell Committee. Their work has not left for them a name of higher honor than might be expected in the first days of organization for any nation unused to war.

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By November, 1916, it was seen that the situation warranted the highest possible type of organization. As a result, the Imperial Munitions Board was formed to act directly under the orders of the Ministry of Munitions of Great Britain. The ablest business organizer of the Dominion, Sir Joseph Flavelle, was chosen chairman. Immediately steps were taken to get the maximum output of shells and all other forms of war material, and at the same time the producers were held strictly to account for the quality of their output. In fact, some manufacturers were required to take back large amounts of munitions which they had made subject to the loose system of the Shell Committee. Such a move was hardly popular with a certain class of manufacturers who held profits in higher esteem than the safety of the country. No more popular was the new move to restrict the profits within the limits of reason. It would seem that Sir Joseph's remark on going to Ottawa to take charge of the work, that he was "going to clean up a bad mess", was more true than politic. The remark angered certain politicians; the action, a certain class among the munitions makers.

It is impossible to go into the complete details of the new organization. Perhaps the most important feature was that the Board became more than a regulator; it became the great contractor for all munitions; it purchased the raw materials and had them fabricated by the manufacturers according to its specifications and subject to its inspection. The manufacturers were not paid for the products but for the work they did upon the products, title to the materials remaining with the Board. This relieved the manufacturers from unnecessary financial burden and risk, and made possible a distribution of work according to factory capacity that would otherwise have been impossible. The whole industrial capacity of Canada was organized as though it were one unit, using each old plant according to its possibilities and constructing new ones where none suitable existed. The plans were made by the Board, and one factory made the steel, another rolled it; one machined one part, another another; one factory assembled one product, another assembled another. Each factory was given its task

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whether great or small, but all worked together according to one super-plan. The contracts were let in the early stages of the war to allow manufacturers to provide for the necessary outlay of capital in case new equipment was required; later, when the equipment had been paid for, only a good income from investment was allowed. The former unreasonable profits were not permitted, and no product was finally accepted unless it passed severe inspection tests.

It may be imagined that such policies would not make the chairman popular with a certain class of manufacturers, nor were the great power and influence which he wielded pleasing to politicians of a similar grade. Sir Joseph was the biggest man in the Toronto group of politicians in the government camp, and there was keen rivalry between these and the western group in the same camp. Sir Joseph had not held high political office, but he was the leader of his group and he was suspected of having aspirations to nothing short of the premiership. Had he not been attacked in the rear when he was performing this colossal task he might easily have held the place in Canada which Mr. Hoover nearly had in the United States, the Canadian political system making such an event possible at any time without waiting for a general election. Truly Flavelle was a dangerous man to his political rivals in his own party and a nuisance to the unscrupulous elements among the manufacturers of munitions. One of the most interesting stories of political life is the way in which his enemies "got" Sir Joseph.

Flavelle was far from invulnerable. He was the head of the leading packing company of Canada, and all packers were unpopular. True, he was also head of a leading mail-order and department store upon which the people looked as a great bulwark against high prices, but that was easily forgotten. He evidently was too sure of himself, for he openly boasted that he was going to clean things up, without strengthening his rear defenses or even adding a real publicity department to his board to keep before the public the good things he was doing. While his packing plant was deriving satisfactory profits from favorable contracts with the British government, he, as chairman of the Board, was rash enough to state in a public speech that Canada's motto must be "to hell with profits".

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It followed that in June, 1917, an innocent-looking advertisement appeared in a Canadian paper asking for any economist willing to do research work to send his application to a certain box number! The advertisement, upon investigation, brought to light that the attorney of certain interests offered good money for an investigation and report on Canada's packing industry which would show Sir Joseph's company to be a shameless profiteer while all the other packers were given clean bills of health. The applicant proved to be the wrong man for such a job.

Within a few weeks an official exposé resembling those specifications in detail was issued by the "Acting Commissioner re Cost of Living". The effect may well be imagined. Of course a large share of the press was well prepared for such a sensation even though innocent of any sinister intent. Flavelle was ruined politically. Thus the name of Flavelle became a synonym for "profiteer" and the government official who ruined Flavelle's reputation became, temporarily, a popular hero.

Meanwhile the good work of the Board had been progressing, the objects of the sinister interests not being attained. No comprehensive review of the work has ever been published. The Board was too busy to proclaim its accomplishments. Perhaps the best brief description of the work at the height of its activity was given by the British War Cabinet in its report for the year 1917, in which Canada's services to the Empire in the production of munitions were referred to as follows:

Canada's contributions during the last year have been very striking. Fifteen per cent of the total expenditure of the Ministry of Munitions in the last six months of the year was incurred in that country. She has manufactured nearly every type of shell from the 18-pounder to the 9.2 inch. In the case of 18-pounder, no less than 55 per cent of the output of shrapnel shells in the last six months came from Canada, and most of these were complete rounds of ammunition which went direct to France. Canada also contributed 42 per cent of the total 4.5-inch shells, 27 per cent of the 6-inch shells, 20 per cent of the 60-pounder H. E. shells, 15 per cent of the 8-inch and 16 per cent of the 9.2-inch.

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When we stop to think that Canada can hardly claim to be an industrial country, and that out of a total population of about 8,000,000 inhabitants, 595,441 men were enlisted for the war, we begin to realize the wonderful work accomplished by organized productive effort. These matters spoken of in the British official report were by no means all of the accomplishments. Twenty-five hundred complete aeroplanes, beside the bombing planes made for the United States Navy and a quantity of materials and parts of planes made for England, were turned out in Canada. Forty-three steel and fifty-eight wooden ships were contracted for by the Board in addition to many war and other craft made under contracts let by the Departments of Marine and Naval Service for Canada, Britain, France, Italy and Russia. Large contracts also were placed by the Board in Canada for munitions for the United States.

The achievements of the Munitions Board are worthy of great pride in Canada. They show what can be done by large organized effort syndicating the efforts of many factories when there is a strong man at the helm unhampered by anti-trust legislation and when he has the support of a group of men mainly actuated by patriotic motives. It is a story of what can be done under stress, but it does not argue for socialistic effort in the quiet days of peace nor for unrestricted colossal trust policies unchecked by government regulation. However, it does make us wonder if greater efficiencies could not be worked out from syndication of effort combined with a public regulation that would give security to the public in times of peace. The sobering side of it is that even in war times public regulation was almost subordinated to politics.

Fuel Controller

A country where the winter weather is so severe and where the industrial centers are so far from coal mines, naturally finds regulation of its fuel supply a most important problem. It is more than an accident that the first steps toward definite regulation of any business were taken in the matter of coal, and that, while the fuel-control organization was disbanded some time ago, regulation of the coal trade was kept up by the

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Board of Railway Commissioners long after the control of food and other necessaries had been abandoned.

Canada has the misfortune of having no workable supplies of coal in the industrial and fairly well populated Provinces of Ontario and Quebec. She has plenty in the west; the Province of Alberta alone possesses one-seventeenth of the known supplies of the whole world, but transportation difficulties are too great to make this the source of fuel for eastern Canada. It is necessary to depend upon coal imported from the United States for the heat and much of the power used in central Canada, while the extreme eastern and western parts of the country are supplied largely from their own mines.

This close economic relation with the United States in the case of coal made it natural that the control of this business should follow along similar lines in the two countries. Quite similar types of organization were set up on each side of the line, Mr. Magrath being appointed Fuel Controller for Canada in July, 1917.

Mr. Magrath was a peculiarly good choice for this office. His position as Canadian Chairman of the Joint International Commission on Waterways had given him an intimate connection with Washington, and this proved of inestimable value, for a large share of his new duties consisted in diplomatic negotiations to secure an adequate amount of coal from a nation which had hardly enough for itself. The fact that Canada did secure such adequate supplies throughout the remaining years of the war, in spite of the unfortunate indiscretions above mentioned, was due at once to the broad-minded spirit of official Washington and to the able diplomacy of the Fuel Controller. The equitable distribution of these supplies after they came to the country speaks well for the generalship which he manifested in the national and provincial organizations under his lead. Canada got no more coal than she absolutely needed, but every one was equitably supplied with reasonable amounts of fuel.

In his earlier efforts the Fuel Controller concerned himself mainly with securing supplies of coal and equitable distribution of the same. This was a far-seeing attitude. If the supplies

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were all right the prices could never be unreasonable. Unfortunately, it was impossible to keep supplies equal to the demand and price control had to be adopted. During the first season little attention was paid to anthracite besides seeing that proper supplies were forthcoming. A sort of working agreement was attempted with the first Cost of Living Commissioner, whereby to the latter were confided the troubles of the householders as regards the price of anthracite. One winter's trial of this arrangement sufficed. It was determined that the Fuel Controller must himself establish a license report system, licensing all dealers in coal, compelling adequate reports, and controlling all coal prices from the mines or points of import to the final consumer.

However, at this time the first Cost of Living Commissioner was forced to resign and his successor adopted the policy of cooperating with the Food and Fuel Controllers, as to a certain extent the Federal Trade Commission did in Washington with the similar officials of the United States. This did away with the endless duplication of reports to more than one government office which otherwise would have been necessary. It happened that the new Commissioner, before his appointment, had been organizing a license report system for the Food Controller, and was also in charge of the internal trade work of the Dominion Bureau of Statistics. Naturally, with the appointment, policies were totally changed and the enmity between the offices disappeared before a program of complete cooperation. The Fuel Controller's license report system went ahead, but it was developed under the new Cost of Living Commissioner for the use of both officials. The first idea was that the Controller was interested in full reports of movements and supplies, the Commissioner chiefly in prices. Presently it became evident that actual regulation of prices was necessary. One office had the right to investigate, the other to regulate. The one office then collected and digested the data; on the other rested the responsibility of regulation. Failing such regulation, the Commissioner might have prosecuted offenders. Believing that war-time orders might be stronger in their power of inspiring awe if kept out of court, the Dominion government showed no

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disposition to resort to prosecution if the desired results could be obtained by moral suasion. The Fuel Controller himself was fully occupied with attending to supplies. Accordingly, a special officer was appointed by the government to exercise the price-regulating powers of the Fuel Controller, and general orders were issued definitely limiting the profits of all dealers in coal. The machinery of control at length was set in motion, and, in cooperation with the provincial officials, steps were taken which kept coal dealers thenceforth from greatly exceeding the bounds of fairness. There can be no question but that this resulted in the saving of millions of dollars to the consumers of hard coal throughout the Dominion.

Every coal miner, wholesaler and retailer, in the Dominion kept these officials informed as to the movement of his coal in such a way that a car-lot of coal could be traced back to the Canadian or United States mine and the profits of each Canadian dealer on any lot checked. The Canadian mines submitted their cost figures, and these were verified in part by auditors. The prices in the United States were fixed. From those points on toward consumption the statement of each handler could be checked against the one before or after him. On such information the price at the mine was fixed and dealers' margins were determined. A careful audit of leading wholesale firms taken after the war revealed a maximum of only five cents a ton overcharge for any important case.

Food Controller

Canada followed the lead of the United States in selecting an official to control food supplies, although, in reality, the Canadian Food Controller was appointed some time before Mr. Hoover officially became Food Administrator.

In the early days of this work very little thought was given to prices. The driving idea was to send more food to advance the war. The same tiresome propaganda and distracting regulations that appeared elsewhere were used, but got results. Compulsory personal rationing was not adopted, but many regulations were made requiring dealers to give up their surplus food products, and these regulations were enforced. Price regulations were adopted also in process of time.

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The first Food Controller, Mr. Hanna, was corporation counsel for Imperial Oil, the Standard Oil of Canada. He also had been Provincial Secretary of Ontario. His business affiliations did not render him popular with the masses, and his strong party ties injured the effectiveness of his work during the political campaign which was in progress. He worked hard with but small show of immediate success and at last resigned, becoming president of Imperial Oil. His successor was a man without such strong business ties, a man who delighted in doing things whether or not they were popular. At length he was pushed aside when his back was turned, but he accomplished much more than the public realized during his tenure of office.

During the régime of the first Food Controller active steps were taken to organize the various groups of food manufacturers and dealers who were not already organized. Apparently, if the policies had not been changed, Canada would have been driven by its officials into the clutches of hard-and-fast combines of every class of food factor. The flour millers were organized into a group which fixed prices with the government's stamp of approval, or, perhaps more truly speaking, succeeded in getting the government to decree a price at their suggestion after overwhelming it with their evidence. A much worse, far less justifiable, combine was about to be formed among the wholesale grocers when the régime was changed.

Early in the new régime what was now known as the Food Board put the various classes of manufacturers and dealers under license. This license system was the basis for rules and regulations to protect the public from shortages and exorbitant charges and to drive every possible ton of food into export for war purposes. Such reports were required from all that any serious breaches of the rules were discovered and the regulations enforced.

There was a tendency among the uninitiated to consider these license reports a joke. They were the means of detecting one wholesaler in such a serious hoarding of butter that he was required to dispose of more than a train-load to the Allied Buyers at an actual loss in money. This report system made it possible, without material advance in price, in the autumn of 1918

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to remove by forced sale to the Allied Buyers as much more butter as the total forced export throughout the producing season up to that time. When the distress call for butter came from England the order was drafted compelling all creameries to sell all their output for the last six weeks of the season to the British Ministry of Food at a fixed price. The effect of such an order would have naturally been to raise the price immediately to much higher levels for the butter stored for domestic consumption. However, each wholesale dealer had previously reported what quantities he had on hand and what he had paid for them. He was only allowed a maximum of ten per cent profit on sales. He must report each month what he sold and the price. The price of butter was nailed down with a mighty spike and advanced only about two cents a pound. A license report system can be worked, and it was made to work by the Food Board. The humorous side of this last incident was that, owing to government interference, no penalty was attached to this order and the Food Board was given no legal authority to require enforcement. However, the trade was not informed of that until later, and an actual ten per cent more butter than was expected was forced into the hands of the Ministry of Food on sheer bluff.

It is impossible in brief compass to do more than sketch the regulatory work of the Food Board. The underlying program was to move all possible food which could be spared to the war either from greater production or from saving. The remainder, which was left for domestic consumption, was well distributed throughout the Dominion, and prices in many lines were subjected to a measure of control. The work in sugar distribution deserves especial mention. The public in Canada hardly had a taste of a sugar shortage nor yet of prices higher than absolutely necessary, while shortage and high prices were very common elsewhere. Many regulations were introduced in the field of the marketing of perishables. It is doubtful if more equitable regulations have ever been worked out anywhere for cold storage. These were worked out and administered by one of the kings of the trade, and the high-minded way in which he performed his duties was a thing of note among the records of

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dollar-a-year men. One of the most valuable pieces of work was the settlement of disputes among shippers of perishable goods. Hundreds of car-loads of food which would have spoiled on the track, while consignee and consignor were disputing, were saved by the prompt action of the Board. It is unfortunate that more of the good features of this regulation could not have been retained.

It is marvellous what results were accomplished in building up a large export in food stuffs. For the ten years before the war the surplus of almost all important animal products had been rapidly declining until just before the war Canada imported more than her exports of items in this class of food. This deficit was changed to a very large surplus. Wholesale dealers in exportable food stuffs were required to sell to the buyers of the Allies all surpluses they acquired above the amount needed to supply their regular customers in the retail trade. And their domestic sales were required to be made within a fixed "spread" or "margin" above the purchase price. Very few actual prices were fixed. The policy was to fix the profit on wholesale transactions, thus allowing an elasticity of price which would not interfere with production. This system had not been universally applied when the armistice came, but it was in operation with great success in the case of some of the most important products. In the fields of animal products and sugar the Board was peculiarly successful. The public did not realize the benefit at the time, but felt the bitter effects when control was lifted, particularly in the case of butter and sugar.

Unfortunately, the Government hampered the work of the Board. Regulation of the packers was taken out of its hands with the announcement that the profits of this trade were being drastically controlled by government order. No such government order at all was issued for months after this announcement, and when it was issued it was worded so loosely that apparently the packers might retain about three times what the public had been informed was their limit. Neither were the millers' profits controlled until long after it was announced that they were, and the last limit set them was given out as being fifteen cents a barrel less than that allowed in the United States,

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whereas in reality it was nearly twenty-five cents more. Actual obstacles also were set in the way of the enforcement of its regulations by the Board. One large fine was applied only after weeks of negotiations, and the unloading of large hoardings was accomplished only by the fact that the Chairman made up his mind that he would get results in spite of any opposition. The public never realized the magnitude of the efforts put forth to overcome difficulties.

Paper Controller

One industry that was pretty effectively controlled during the war was newsprint paper. This industry is in the hands of a few large and powerful producers. It is rumored that they have strong enough gentleman's agreements to render them a complete combine. The consumers in this case are not the unorganized public, but a relatively small number of publishers who are very able to direct public attention to their woes and are in the position to force the government into giving them protection. This control was in the hands of a special Paper Controller who was given the opportunity to make thorough audits and regulate prices on a known cost of production. He also required equitable domestic distribution assuring supplies to the Canadian publishers. No attempt was made to control the price of the large quantities exported. The weakest point in the system was the necessity of retaining a due proportion of output at home at the lower prices. All went well during the war, but when, after peace came, paper control was handed over to the new Board of Commerce, the paper manufacturers openly and successfully rebelled against being the only parties called upon to submit to such a system.

War Trade Board

A War Trade Board was organized in February, 1918, for the purpose of controlling the trade in raw materials and articles essential to the war industry and controlling the import of less essential articles into Canada. This Board and the Food Board were merged into a temporary export Trade Commission at the end of the war. A great deal of effort was put forth to create

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an export trade and some assistance was actually given, especially when the government created special credits to finance exports to the bankrupt countries of southeastern Europe.

Cost of Living Commissioner

The work in the Labor Department under the Cost of Living Order, the first to be inaugurated, was the last of the war-time offices to be disbanded which had any duty to perform in protecting the public against the war's dislocation of economic conditions. In the early days this was under the direction of a functionary who styled himself "Acting Commissioner re Cost of Living," which title had no official sanction, being a fiction of his own. The next incumbent in this office served for a time merely as chief of a branch in the department, evidently because the government feared too great show of prominence in that office. He was later officially recognized as Cost of Living Commissioner.

As we have already noted, the new program in this office was largely based upon a policy of cooperation with the Food and Fuel Controllers. These officers had actual powers of regulation while the Commissioner had power only to investigate. Consequently, the most important thing to do first was to cooperate in investigations, the license report work for both controllers being carried on under the Commissioner. As soon as this work was well launched, however, independent activities of greater or less importance were started.

The first large task committed to the new official was to investigate and report on the price of gasoline. It seemed a long cry to include gasoline among the necessaries of life, yet this product is, of course, exceedingly important for purposes other than pleasure. To those who did not stop to think that the Canadian gallon is one-fifth larger than the American, the price seemed extremely high in Canada. It is hard to believe that there was not another reason than the public interest for this investigation. The former Food Controller, Mr. W. J. Hanna, was then president of Imperial Oil, which is the Canadian company affiliated with Standard Oil. Mr. Hanna was one of the powerful group of Toronto politicians of whom, unques-

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tionably, the westerners were jealous. His position of prominence as Food Controller had given him a great deal of the advertising so valuable to an aspiring politician. He was a dangerous rival to the aspirants from the west. It was suggested that gasoline would be a fertile field for investigation. The new Commissioner made as thorough an investigation as staff assistance permitted into the question as to whether or not gasoline might be cheaper in Canada. Practically all petroleum products used in Canada are imported either crude or refined. The basic price is the United States price. While the investigation was in progress the twenty-five per cent increase in freight rates went into effect, increasing the cost of gasoline laid down in Canada by nearly a cent a gallon. One of the three large refiners contended strongly for an advance of a cent to cover this cost. It was found that the arguments he advanced were misleading, and an agreement was reached that the price should remain at the old level, which was found to be the lowest at which Canada could get her supplies from the United States. There was no law to compel this adjustment. It was merely a diplomatic arrangement readily accepted by Mr. Hanna as better than the public criticism likely to come from refusal. When Imperial Oil kept down the price the others had no alternative but to do the same. Thus the new Commissioner saved the public of Canada nearly a million dollars.

The next real task for this office was to revise its law. Results may be obtained through bluff only under the right circumstances. The law was changed to give full liberty of investigation including unannounced audits. The scope of the definition of the "necessaries of life" under its jurisdiction was enlarged to include with "food, fuel and clothing," all products, materials and ingredients "into, from or of which any thereof are in whole or in part manufactured, composed, derived, or made, and any other item of common or ordinary household expenditure." The municipal authorities were given more latitude, being allowed greater freedom of investigation and full liberty to hand offenders directly over to the courts for prosecution without reference to the Department of Labour.

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The first revision gave the municipalities authority to set up Fair Price Committees composed of officers of the municipal council. The second revision allowed the appointment of anyone to the membership of such committee and removed the necessity for the formal ratification of appointment by the Department. However, at the instance of the Food Controller, a complication was inserted dividing the local investigations into two stages: a "Fair Price Inquiry Committee" to make preliminary investigations and, on this body's finding necessity therefor, an investigating commission composed of a judge, a representative of labor or consumers, and a representative of the trade under investigation.

A number of commissions were appointed under the first revision of the law, but, no reference to the Department for ratification being necessary under the second revision, no record exists of the number or work of the bodies later appointed. At least a free outlet was allowed for local discontent and its resultant activity, for the local bodies had full powers to investigate within the limits of their locality, to publish their findings including what in their opinion were fair prices, and to take proceedings against offenders without reference to the Dominion government. This was certainly as much power as could well be put in the hands of local bodies and at once gave an outlet for local initiative and an opportunity for the local community to educate itself as to what actually did constitute fair prices and gave them some idea of the difficulties with which any investigating or regulating body must contend.

This revision of the law also gave an opportunity for as thorough investigatory work as any trade commission could well possess. With a competent staff and permission from the political head of the Department, the Commissioner would have lacked only one point in law of having as far-reaching authority as the Federal Trade Commission of the United States; no provision was made for prohibition of unfair trade practices as in the United States law. By the change of a few words in the section of the law requiring manufacturers and dealers to sell at prices "not higher than reasonable and just," to read "prices that are reasonable and just", practically the

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whole field of unfair trade practices could have been covered. However, the efforts made for this change were not successful.

As soon as the first revision allowing thorough investigation was made in the law, plans were made for employing a staff of accountants and making a careful investigation of the textile industry. Mr. Crothers approved the plans and wanted some prosecutions in a hurry. His political power was slipping and some sensational prosecution would have saved him. It was too late. His resignation was accepted a few days after this and all plans were changed.

The new Minister had been advocating another and more vigorous program. As Chairman of the Cabinet sub-committee on Labour he had formally recommended to the Reconstruction Committee of the Cabinet that a program of price-fixing for commodities other than those controlled by the Food and Fuel Controllers should be inaugurated and placed in the hands of the Cost of Living Commissioner. On the refusal of the latter to assume such responsibility alone it was urged that two other commissioners be appointed. The proposal was seriously considered, but, the war ending at that time, it was not pushed through. The idea was then that the danger lay in too rapid a decline in prices rather than an advance and that nothing should be done further to undermine the confidence of the business world. The elements of the Canadian Manufacturers' Association which supported the scheme showed that their real aim was to have the trades agree upon a price which the government should maintain by law. This was too much for even the government to accept and was thoroughly opposed by the Commissioner.

As a result, the next few months were a period of uncertainty, with the office merely marking time. Most of the members of the Government wanted the office abolished along with the other war-time controls. The Minister of Labour apparently was sincere in his effort to continue the work as established under the second revision of the law, but he felt that the Department of Labour was not the place for such work. He felt his duty to be to support the labor unions and maintain high wages. To hamper manufacturers on the side of prices also

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was to use the pincers on them and would have been rather too much for one department. He wanted the work to be carried on, but to be transferred to some other department. No other department wanted it, all the other members of the Government preferring to see business unpoliced. The Commissioner recommended that the investigating function be conveyed to a Board of Markets which should merge all the marketing activities of the various branches of the government, and that another permanent Board be set up with powers to regulate the prices of commodities controlled by combines wherever the Board of Markets or complainants declared the same to be necessary.

In April, 1919, the staff of the Commissioner was being disbanded when suddenly the market turned upwards and caused violent social unrest. Unfortunately, the orders of the Food Board had been cancelled, but the shortage of supplies caused by their forced removal for export had not been corrected by a new crop. It was madness to remove the restrictions on prices before the supplies had recovered, but the Government was bound that it should be done. It was done, and, led by butter, foodstuffs soared in price. Butter went from fifty or sixty cents to ninety cents. The result was almost a social upheaval in many places, particularly in Winnipeg.

Hurriedly, the Government recalled the Cost of Living Commissioner and ordered wholesale investigations. It was hoped that this would quiet unrest. Naturally, it did not, since the mischief had been done. This was, however, the first opportunity given for anything like unrestricted investigations and, even in this extremity, no authority was given for audits of any firm's records and the new staff was supposed to be recruited from other branches of the government which were loath to set aside their regular duties.

Everything possible was done to meet the demands of the situation, but, unfortunately, when evidence was collected of any transgression of the law it was impossible to secure political permission for prosecution until it was too late. Full opportunity was given for utilizing the weapon of press publicity not only to exonerate those who were not offending against the public rights, but to reprove those who were break-

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ing the law. In this way many good results were obtained at the cost of official dignity, but no one was prosecuted.

A program of financial reports from the chief manufacturing and wholesale firms was launched with the help of one of the best firms of accountants in Canada. Beginning with balance sheets and profit-and-loss accounts, the program called for facts as to cost of producing and handling all the chief necessaries of life and ascertaining what proportion labor costs amounted to in each case. Months of hard work would have been necessary to develop this work, but the time was not available and it was impossible to complete the program.

Many investigations were made in the time allotted and some results accomplished. A fairly elaborate investigation was made of the canners' combine, and evils were corrected in this trade by threat of prosecution. The Retail Merchants' Association was found guilty of several breaches not only of the letter of the law, but of the underlying economic laws of justice. They, however, cared nothing for threats and openly defied the law. Some industries were examined carefully enough to show that as a class they had not been profiteering and were publicly exonerated. Others, however, were found to be guilty and were recommended for a prosecution which never came.

One of the most serious offenses detected was the case of the sugar refiners who were found with over a hundred million pounds of sugar on hand before an anticipated world-wide rise in price, while the public was deprived of supplies and fruit ready for preserving was being allowed to spoil. In that case sufficient publicity was given out to cause a certain amount of movement of supplies, but it was six months after this publicity was given out before the price of sugar in Canada even approximated the prices ruling in the United States.

One of the most interesting cases which came up was connected with the rapid advance of hide and leather prices in the summer of 1919. In this commodity speculation was particularly rampant in the year after the war. In three weeks' time the price advanced twenty-five per cent, and it kept on rising. Europe started to buy heavily, and all parties using leather

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scrambled to cover their needs. How much of speculation and how much of panic among ordinary business interests caused the rush after leather is hard to say. At least, there was an artificial scarcity attended by soaring prices. The public was growing very uneasy at the prophecy of extremely high prices for shoes. The Commissioner found it very difficult to get the Government to take any action on anything. The approaching convention of the opposite political party gave him the opportunity to test whether or not political motives would get action when protection for the public gave them no concern. A recommendation was made for control of the export trade in hides and leather, which was prefaced by the information that, failing action on the part of the Government, the opposition convention meeting the following week expected to make much of the situation. The ruse worked like a charm. Within two hours a government order was passed with more stringent restrictions than those requested. The following week the interested trades went to Ottawa to demand the withdrawal of the restrictions. A very interesting session was held with the Government, who delayed any further action until after the convention. It was said in inside circles that the plan was to remove the restrictions on the ground that an error had been made on the advice of the Commissioner. Fortunately, the market reacted promptly and publication of the fact that the restrictions had caused a break in the speculative boom made it impossible to remove them until the work was done and the speculation checked.

It was impossible to conduct a regulative commission since no prosecutions were possible when offenders were found, and since action could only be wrung out of the government by political threats. Parliament in the last days of its spring session had passed legislation providing for a permanent Board of Commerce. The legislation providing for this Board had made it impossible to institute any proceedings against offenders until the Board gave permission. Permission for prosecution had been withheld by the Government until this law was passed. Matters were at deadlock. To hasten the appointment of the Board the Commissioner tendered his resignation to take effect

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at the earliest possible date on which the work could be passed to a duly constituted Board. The Board took office in August, 1919, and a new and checkered chapter began.

Board of Commerce

The new legislation under which the Board acted was prepared by the former "Acting Commissioner". It forbade all combines, but defined a combine as any agreement, merger etc. that the Board decided was against the public interest. It also forbade prices or profits on necessaries of life which the Board said were unfair, and in addition to food, fuel or clothing and their related commodities, any articles prescribed as such by the Board might also be included in the definition of "necessaries of life".

The law gave the Board the right and duty to make preliminary inquiry and final investigation into suspected combines, on complaint or on its own initiative. However, the formalities required for bringing a complaint were as onerous as in the Combines Investigation Act which was repealed. The law under which the Cost of Living Commissioner had acted was rescinded. The provisions in the Criminal Code against combines were rendered inoperative without the written consent of the Board. No provision was made for penalty for acts committed before a hearing was held. Only ignoring or refusing to obey the orders of the Board was subject to penalty. The offender could change his tactics and get his results some other way and not be subject to any penalty until his new schemes were exhausted. The discretion of the Board was the only rule in the law as to what was a combine, inasmuch as the wording of the law left to that body the fullest liberty and the widest discretionary powers, subject to no law for guidance. Fortunately, appeal might be made to the Cabinet or to the Supreme Court. The Minister (since then Premier) who introduced this legislation into Parliament announced that it provided against combines composed only of a "wink or a nod". So its advent was heralded! But in practice it has proved merely to be another bulwark in the way of protection for the more selfish elements in the business world.

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The law is called the Combines and Fair Prices Act. The second section deals with fair prices and is founded upon the earliest edition of the Cost of Living regulations. All opportunity for municipal action was wiped away. So also was the opportunity for unannounced audits. No provision was made against the most insidious evils of regional price-cutting and other unfair trade practices forbidden in the Clayton Act. In fact a provision is included which the Chairman of the Board decided, months after the public was warned of the fact by the Cost of Living Commissioner, stood in the way of the operation of cooperative societies. If regulation of marketing and business is needed at all, this provision is wrong. It reads as follows: "Nor shall any manufacturer, wholesaler, or jobber, because of anything herein contained, be under obligation to sell to other than such classes of persons as are accustomed to purchase from manufacturers, wholesalers or jobbers, respectively, nor shall any person be under obligation to sell otherwise than in accordance with the ordinary course of business". This provision, by its implication shows that the animus of the law is to sustain existing marketing methods no matter how crude and circuitous they are. The Cost of Living Commissioner had urged upon the Government that this clause in the old law should be changed to a clause forbidding discrimination in trade. But the present law is in essence reactionary with a superficial coating of popular protection.

Unfair prices and profits and unreasonable hoarding of necessaries were forbidden, and to the Board was left full discretion as to what constituted an unfair price or profit, saving only that its decisions might be reversed on appeal to the Cabinet or Supreme Court—to the latter, however, only in questions of law or jurisdiction.

The most unfortunate features of the law were the prohibition of prosecution for offense against the provisions in the Criminal Code against combines without permission of the Board, the lack of penalty for any offense except that of persisting in a course forbidden by the Board, the absurd emphasis laid upon price fixation in times of peace for commodities not controlled by combines, and the reactionary spirit shown in the

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stipulated protection for the established channels of trade. It also was unreasonable and unsafe to delegate to any board of three men undefined discretionary powers over all business associations and all prices with which they chose to tinker.

A judge of high standing was chosen for chairman. The former "Acting Commissioner" who had drafted the law, on being offered a second place, announced in the press that he would rather take the place of attorney for the defendants. Later on when political dangers again arose from the Toronto group, he accepted the nominal second position and was allowed to run the chairman out of the Board. From the first there was a race for elimination between the two. The chairman took the stand that he was no detective but was to judge cases brought before him. The other announced that henceforth prices would cease to rise and started a policy of widespread investigations. Prices continued to rise merrily, especially in regulated commodities.

Needless to say the program of price-fixing did no good. It was applied to various farm products and worked disastrously, prices on regulated articles rising faster than those of other commodities, because production was stifled. A leading paper likened the Board to a troupe of vaudeville artists: "they are always talking and never getting results". They attempted to stop criticism by threats of contempt proceedings. Following the publicity given to the sugar situation by the Cost of Living Commissioner, it was impossible for a time to avoid giving the public some protection in this quarter. At length as sugar came to its big price bulge in the spring, price control was removed with the excuse that this would convince the critical public of the beneficial effects of the former control. When sugar started to fall in price, an attempt was made to restore control.

As it was at first constituted, the Board was as much of a farce as the enemies of regulation who introduced the legislation could have wished it to be. Proofs of injurious combines left by the Commissioner were utterly ignored and the evils left alone. In one case a price conspiracy, exactly similar to one proscribed by former special legislation, which had been stop-

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ped by the Commissioner, was restored at the request of the wholesale grocers. In one case the informant against an alleged combine was publicly reproved by the assistant chairman, which fact brought forth a most acrimonious public letter from the Attorney-General of Ontario. At length all the members of the Board resigned, and, the constitutionality of the law having been referred to the Privy Council of the United Kingdom for decision, a board of figureheads was appointed to keep the office open until this matter should be settled. This new Board made but little stir until the sugar market showed signs of a real break. The refiners then besieged the government for protection on the falling market, the control having been taken off on the rapid advance. The new Board listened to the appeals for protection of the refiners from ruin and passed an order restricting all trade in sugar to the regular channels through Canadian refiners and forbidding other imports from the broken market in the United States. The Government waited twenty-four hours to see whether or not the public would submit to this. The public made clear that this would be the last straw, and the Government rescinded the order. Needless to say, the new Board resigned in a body.

The situation at present is that there is no Board and consequently even the old Criminal Code provisions cannot be called into play by consumers, afflicted business rivals or even an Attorney-General of a Province. Nothing could be better pleasing to those who wish to offend against the spirit of the laws. Police protection is absent in that field.

Canadian experience shows that, while the rank and file in business are as honest as elsewhere, yet there are rules of the game which need enforcing just as truly as our busy streets need traffic policemen. It is absurd to attempt general price-fixation. The price on wheat fixed by the Board of Grain Supervisors in cooperation with the Allied governments was such a comparatively simple thing that in time of war it did little harm and much good. Fixation of trading margins above an elastic producers' price worked well when the country was economically isolated by war-time export prohibition. It would work at no other time. Many marketing regulations and services were

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beneficial and could well be extended to peace times. The Food Board's canning regulations have been made permanent. The statistics showing the movement and holdings of supplies were valuable and are being retained in some cases at the special request of the interested trades. Much that was done to improve marketing conditions is as necessary in peace as in war, and that work should continually be enlarged. Likewise the publicity as to what is going on in the business world should be enlarged and continued. The rank and file of business men are honest and should welcome all efforts to remove suspicion as to the abnormal profits which they never see. Publicity on profits and costs should cover classes of business and what share in costs goes to labor. This will relieve suspicion and will serve to balance the competition entering any line of trade.

The real problem lies in the large field of control of what are popularly known as combines. The laws of the United States which forbid combination have been fruitless of anything except annoyance to the trusts, which continue to thrive. "Trust-busting" will not work. Combinations for efficiency are necessary. Combinations to protect against competition merely serve to protect inefficiency. Such are the price agreements among non-consolidated merchants; mere walls to keep in business at a living wage an over-populated marketing system. Then again combinations actually formed for greater efficiency may grow careless if competition disappears. However, if the public is kept correctly informed as to the profits of all business and unfair competition is restrained, almost all combines will be kept subject to a continual competition partially real and partially potential.

The greatest single factors in regulation are this publicity and the complete protection for all potential competition. That is why the new law in Canada is subversive of the public interest. It does not allow the Board to keep the channels open for the competition of such short cuts as cooperation which keep the regular channels from becoming too cumbersome and overcrowded. If a system is the most efficient, it needs neither legal protection against self-supporting competition nor boycott agreements.

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In the case of manufacturing combines also and in all cases where there is an actual combination for efficiency, the most salutary kind of regulation is protection for all self-supporting competition. If a rival may not be kept out by foul play, almost any business which is profitable must look to efficiency for its laurels. Unfortunately, such bodies as the Federal Trade Commission attempt to hamper such combinations as the packers rather than to protect their potential rivals. The Live Stock Branch of the Department of Agriculture in Canada has taken the better course and is attempting to see to it that the smaller rivals get a "square deal".

There are, however, some combines in which such a large outlay of capital is necessary that competition real and potential for them produces but little effect. Such industries as paper manufacture and sugar-refining can easily combine so there is little or no opportunity for any but foreign competition, which may be shut off by a tariff. Here there may be need for a direct regulation even of prices. The experience in fields already recognized as public utilities causes us to face the issue with fear and trembling. Even our old established railway commissions have not failed to be unconsciously influenced by he clamor of public opinion. It would be well that price regulation be undertaken only as the necessity is shown by investigations into profits made by a commission making inquiry in many fields. The most essential thing is full information for the public, then protection against unfair practices for potential or weak competition, and in the last extremity only must there be price regulation. It is doubtful if there ever should be price agreements among businesses not otherwise syndicating their efforts, unless such agreements be subjected to the veto power of a fully informed commission. In fact, prices and policy agreements should be scrutinized by a public authority which should always have in mind the fact that overreaching by any branch of our economic life hurts not only the consumer but other forms of business enterprise.

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THE FRENCH RAILWAY PROBLEM[1]

THE reorganization of the French railroad system is not a problem arising out of the War. Its genesis goes back forty years, to the inauguration of the notorious Conventions of 1883. In order to insure to the nation a comprehensive system of transport, the State then entered into an agreement with the five great companies for the construction of new lines. Capital for the enterprise was to be furnished by the issuance of bond obligations whose interest and amortization would be advanced by the Treasury. The Government further agreed to make good all deficits and guaranteed to the stockholders a minimum of approximately 50.1 fr. per share. The law also fixed a maximum dividend which averaged 69.2 fr. All excess above this figure was to be divided two-thirds to the State and one-third to the shareholders. The Conventions finally were to continue to 1914 for the Company of the North and the Paris-Lyons-Mediterranean, to 1934 for the Company of the East, to 1958 for the Paris-Orleans Company, and to 1960 for the Company of the South.

Such in a word are the outstanding features of the "Conventions Scélérats" ("rascally conventions") of 1883. Why have they merited this opprobrium? The initiators of the new régime were firmly convinced of its eventual economy to the State. The flight of years, however, soon dispelled these fancies. Instead of promptly eclipsing expenses, as they had hoped, receipts continued to fall far short. We learn on the

[1] This study is the result of personal investigation by the writer, during the past summer, in France. Mr. Bresler, in the course of his observations, had profitable interviews with leaders in all phases of French railroad activity, including M. Pés. chaud, secretary-general of the Compagnie d'Orléans and spokesman of the private roads, M. Seinart, newly-elected secretary of the National Federation of Railway Workers, M. Dulot, editor-in-chief of *L'Information Sociale et Ouvrière*. He also had access to the official documents of the Railroad Section of the Ministry of Public Works and received valuable aid from M. Thaveney, chief of that division. The writer was especially fortunate in receiving the heartiest cooperation of M. Allix of the Société d'Études de l'Information Économique, who is also economic editor of the *Journal des Débats* and unquestionably the greatest authority on the French railroads.

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authority of M. Henri Lorin[1] who made a study of the situation for the Chamber of Deputies, that from 1906 to 1913 railroad expenses increased 50.5 per cent, while receipts increased only 24.65 per cent. The result was a steadily mounting deficit. In 1913, a year of normal economic conditions, only two of the roads, the North and the Lyons, were able to meet expenses. The general deficit for all the lines that year was seventy-nine million francs. On the eve of the War (December 31, 1913) the roads owed the State for "guarantee of interest" (interest and capital) advanced, the formidable sum of 617,343,808 francs. At the same time, however, shareholders were earning dividends of 7.5 per cent on the Company of the East, 10 per cent on the Company of the South, 11 per cent on the Paris-Lyons-Mediterranean, and 15 per cent on the Company of the North. Indeed, in a single year the North company distributed among its shareholders a sum greater in amount than that which the Belgian State Railway, a road of equal magnitude and importance, contributed to the Public Treasury in seventy-five years.[2]

The economic consequences to the nation of the "Scélérat" Conventions have been no less disastrous. True, the system engendered a period of healthy road-building which, during the first ten years after the agreements, led to the construction of forty-eight per cent of France's railroad lines. In so far as backward regions were being developed and national commerce solidified, there was some justification for the tremendous expense. But the construction of new lines gradually slowed down; by 1895 the innermost "hinterland" had already been exploited. There was no longer a need to stimulate further development. From then on the Conventions outlived their usefulness.

The railroads, left to their own devices, began to build up powerful internal organizations. The agreements gave them complete autonomy of technical administration; this autonomy

[1] Report in Chamber of Deputies, 1917, on a Government Bill relative to the increase of railroad rates.

[2] Edgard Milhaud, *Les Fermiers Généraux du rail* (Grasset, Paris, 1920), p. 357.

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gave rise to that particularist attitude which henceforth dominated their activity. Parliamentary reformers have been unanimous in demanding the "abolition of those dividing walls which isolate the various systems, whether on the question of rates, or of rolling stock, or that of signal arrangements".[1]

This absolute lack of coordination between the roads has affected adversely the utilization of personnel and equipment. Because of the diversity of types used, vehicles temporarily operating on another road, which were in need of immediate repair, had to be abandoned. "We have seen", writes Marcel Bidégaray, Secretary-General of the National Federation of Railroad Workers, "vehicles needing an hour's repair at the cost of from 15 to 20 francs [about $1.60] remain on a side, two weeks, two months, six months, two years, because repair parts were missing. When finally these parts arrived from the original road, the vehicle was already ruined by the rottenness due to exposure. It has been the same way for thousands upon thousands of railway carriages. And this at a time when commerce, industry and agriculture were appealing for more cars".[2]

The Conventions of 1883 have thus been the indirect cause of the movement for reorganization. Denounced by the Companies, the public and the Government alike, their sole value rests perhaps in the fact that they have crystalized a universal sentiment for the amelioration of the transport service through a new régime which will envisage the cooperation of all interested elements.

That there was widespread discontent with the existing system on the eve of the War, is patent. As early as 1911, M. Monis, President of the Council, declared: "A radical revision of the Conventions and a reform of the present régime would permit the companies to fulfil their obligations and assure to the public a better utilization of the means of transport."[3] In

[1] Argument to the "Government Bill Relative to a New Régime for the Railroads", July, 1920.

[2] Marcel Bidégaray, *La Nationalisation des chemins de fer* (Courrebevoie, 1919), pp. 44, 45.

[3] Speech in Senate, March 6, 1911.

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1912–1913, M. Thomas, acting for the parliamentary Budget Commission, prepared several elaborate reports[1] in which he condemned the existing state of the transport service and advised a complete reorganization. Rumblings, too, were heard in the dissatisfaction of the personnel, in the paralyzing strikes of 1912–13, and in the campaign conducted by the Companies for financial modification of the Conventions.

Then came the world conflict, and with it the stupendous task of repelling the invader. When the War began, Germany had decided advantages in the extent of lines, the number of locomotives, the quality of fuel, and the calibre of her personnel. In 1911, Gen. Bernhardi estimated[2] that in the event of conflict, Germany could mass her troops on the frontier three days faster than France. Edgar Milhaud, strong advocate of Government control, comments on the reasons for this superiority, as follows:

> This fatal condition is due to the anti-national spirit of our great companies contrasted with the nationalistic spirit of the German railways, the first inclining exclusively to a maximum of financial advantages for its shareholders, the second, above all, to a maximum economic advantage for the nation; the first characterized by the intense bitterness of its personnel, the second by a solicitude for the economic welfare of the country; the first by a policy of economy above all, the second by the broad conception of the necessity for the extension of national transport.

The private roads nobly responded to the call to arms. A spirit of cooperation supplanted the particularist pre-war attitude; all hands tried to ameliorate the service under military control. But the existing system was far from perfect and under the strain of emergency gaping holes began to show up. Railway men still speak of those crucial two days during the siege of Verdun when the railroads had to be supplanted by an improvised service of motor trucks. The road in charge of that region was officially censured by the War Department some

[1] Report on Budget of Conventions, Chamber of Deputies, Winter Session, 1911, p. 234.

[2] Cited in Edgar Milhaud, *Les Fermiers Généraux du rail*, p. 308.

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time later for its inefficiency on the occasion. The operations on the Marne were also considerably retarded by a transport crisis, such as a road well equipped and well managed would never have experienced.

Incidents such as these showed with brutal clarity that something was radically wrong. Matters were made worse, furthermore, by a continued financial crisis. As we have already noted, the situation for the railroads in 1914 was far from brilliant. Discouraging as it was in the first months of the War, it became increasingly worse as the conflict went on. Depreciation of rolling stock through destruction and wear and tear, increase in the cost of raw materials and in expenses of personnel (208 per cent between 1913 and 1919), and a falling-off of receipts, caused the deficit to mount fourfold during the first year of the War.

The State soon realized that to continue the policy of "*laisser-faire*" would cause decay of the transport service. By several measures, hastily improvised from time to time, it strove to prop up the tottering system.[1] The concessions of the Companies of the North and the Paris-Lyons-Mediterranean were extended. The Treasury agreed to assume forty per cent of the expense incurred in purchasing equipment abroad (344 million francs). The Government agreed further to revive the famous Cotelle Treaty, which provided for compensation for the transportation of military supplies, and in 1918 allowed a general increase of twenty-five per cent in rates. Finally, the Treasury was authorized to set aside a fund of 600 million francs to be devoted to the payment of long-promised indemnities to the operatives and the restoration of equipment to a pre-war footing. In creating (in 1918) a special supervisory adjunct of the Department of Public Works for the railroads, the Government clearly realized the necessity for artificial stimulation in order to insure the success of military operations.

Of the post-armistice period little need be said. The railroads were returned to their private owners. On a peace basis once more, they soon reverted to their ancient policy of isola-

[1] *Cf.* Report of Commission of Public Works of Chamber of Deputies on Government Bill Relative to a New Régime for the Railroads, pp. 21–23.

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tion—and this at a time when financial cooperation was necessary to maintain any sort of an equilibrium. Such a spirit could have but one result: the general deficit rose from 479.4 million francs in 1918 to 1211.7 million in 1919, while for 1920 alone it was 2,794 million francs, or a little less than half of the deficit for the previous seven years together (6,663 million francs). Add to that the growing discontent among a thoroughly disgusted personnel, manifesting itself in the great strikes of 1919 and 1920; a harassing press campaign for radical reorganization, and the beginnings of definite reformative projects, and we have in sum the modern tendencies.

With the cessation of hostilities, the railroad situation came in for a great deal of attention. Labor, emerging from the War in a reinforced position, appreciated its golden opportunity to press for ameliorative reforms. The powerful "Confédération Générale du Travail", the French general federation of trade unions, appointed an Economic Council to study the existing evils and if possible evolve some concrete plan for the future. Publicists of the stamp of Secretary Jouhaux of the C. G. T., Edgar Milhaud, Maxime Leroy and Marcel Bidégaray, Secretary-General of the Railroad Workers' Federation, and the "big gun" of the railway operatives, set up a veritable barrage of criticism in French radical organs. The momentary successes of the new soviet industrialism engendered wild schemes for "worker control". Nationalization of industry became the slogan of the French laborer. It was a famous Socialist, however, who first crystallized the industrialist point of view in a definite project of reform.

In April, 1919, M. Albert Thomas, Socialist Deputy, presented in the Chamber of Deputies, "A Bill for the Nationalization of the Railroads in the General Interest". The elaborate argument was a stirring arraignment of the existing system. After indicating that only by radical reorganization of the railroads could France effect the reconstruction of her devastated areas, M. Thomas proceeded to enumerate the advantages of nationalization:[1]

[1] *Proposition de Loi pour un Nouveau Régime des Chemins de Fer, dans l'Intérêt Général*, see *Journal Officiel*, April 21, 1919.

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(1) As the railroads are essentially a non-industrial enterprise, it follows that their operation need not be remunerative. On certain occasions a nation should make sacrifices for its public services. Often the recompense will suffer long delay, but in the interim national development will receive an impetus.

(2) Under direct State control, the same budget will support any deficit which may arise and on the other hand will be the beneficiary of possible surpluses. In any case, the State possesses at once a means of serving the interests of the community, and, in the satisfaction of this aim, is not confronted by any obstacle.

(3) Railroads are a natural monopoly; their administration should not be allocated to isolated, dissimilar groups. The unification of the roads will have considerable practical advantages. With a single line, material becomes interchangeable; it can circulate throughout the length and breadth of the country, sensitized to local needs.

(4) Under one grand system, equipment can be constructed on a large scale, at a more advantageous price.

(5) But the centralization of the railroads can only be effected by the intervention of the State, which will put an end to the multifarious Conventions and to the determined resistance of the private companies.

M. Thomas proposed to realize nationalization by invoking the procedure for purchase of the railroads as envisaged in the Conventions of 1883. The State would thus pay annuities to the private roads until the expiration of their concessions. The basis of this annuity would be the average net receipts earned by the railroads in the seven years immediately preceding the purchase. The private owners would also be compensated for new lines constructed during the fifteen years before the purchase, while the "guarantee of interest" owed by the railroads would be paid by the rolling stock taken up. Finally, there was provision for a liberal system of administrative control under parliamentary supervision, in which the personnel and the general public would play prominent parts.

The proposition of M. Thomas was doomed from the moment of its inception. The C. G. T., while in accord with its broad

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doctrines, regarded it as inadequate and preferred to "sit tight" till the more practical measure being evolved by its Economic Council was perfected. The Government, also at work on a remedial measure, stirred up powerful opposition.[1] It was introduced in the Chamber at a time when the Socialist *bloc* was in disrepute because of its uncompromising stand on the Treaty of Versailles. The Bill received a scant four-hour discussion in committee and was never reported out.[2]

By this time the program of the Economic Council of the C. G. T. had neared completion. The ruination of the Thomas plan convinced them[3] of the necessity for something more tangible. Their project underwent a radical revision and it was not till the spring of 1920 that it was published tentatively.[4] In its general outlines it proposed a sort of expropriation of the private roads, whose shareholders would be paid the value of all equipment and rolling stock taken up. The state would then proceed to operate the lines in one great system under highly centralized control. The plan envisaged the creation of an elaborate administrative machinery. Control would be vested in a Central Administrative Council consisting of representatives of the public, the Government, and the personnel. In order to defeat any possible tendency toward overcentralization, the C. G. T. proposed to establish regional committees, constituted and operating along the same lines as the central body. The unified system would enjoy a strict budgetary autonomy and the central council might freely administer all funds voted by Parliament. It would be understood, however, that all surpluses would be devoted to lower railroad rates. Interspersed throughout the entire project were tactful clauses safeguarding the interests of the personnel and insuring a fair degree of hegemony by the C. G. T.

This remarkable document concluded with the time-worn distinction between the C. G. T. project and "*Étatisme*"

[1] *La Journée Industrielle*, July 31, 1919.

[2] *Journal Officiel*, April 30, 1919.

[3] *L'Humanité*, Jan. 4, 1920.

[4] *L'Atelier*, Apr. 17, 1920.

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(direct State control), which is anathema to the French workers. "There is a tendency to confuse Nationalization with *Étatisme*. Protagonists of the C. G. T. plan say nothing could be further from their minds. The French workers have always been opponents of government control. They fear the admixture of politics with business, the creation of thousands of petty officials. They desire a system of correlation between the public and the workers."[1] Jouhaux asserted: "We oppose control by any one group. Our social transformation can be effected only by absolute harmony between the essential elements of public and State interest. Our Economic Council has no other ideal".[2]

In the spring of 1920, at the time when the C. G. T. project reached fruition, the National Federation of Railway Workers was a very radical organization. A distinctly revolutionary element had gotten it firmly in hand; its three big men, Monmousseau, Levêque and Sarolle, were at the same time active leaders in the French Federation of Anarchists. They had already succeeded in instigating several wracking strikes in the first few months of 1920.

The labor horizon was thus overshadowed when on April 17 *L'Atelier*, organ of the C. G. T., published the first draft of the plan prepared by the Economic Council. The leaders of the Railroad Federation received the new program with unconfined delight and proceeded to make it the basis for radical agitation. As result, the big strike of May 1 centered around the demand for nationalization.

Meanwhile the Ministry of Public Works under the able leadership of M. Le Troquer had also been elaborating a project of reorganization. When the strike began to assume alarming proportions, it was decided to publish the Government's tentative plan. Accordingly, on May 17, M. Le Troquer submitted the program to representatives of the five private roads, who immediately signed a Convention agreeing to its broad terms. The next day it was presented in the Chamber

[1] Maxime Leroy, *Les Techniques nouvelles du syndicalisme* (Paris, 1921), p. 281.

[2] Lêon Jouhaux in *L'Information Ouvrière*, October 17, 1920.

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of Deputies for preliminary consideration. The Chamber, recognizing the importance of sufficient deliberation, submitted the plan to its Commissions on Public Works and Finances for an exhaustive study. In the meantime, it proceeded to consider two new projects for nationalization.

On May 27, M. Loucheur, Liberal Deputy, with the collaboration of some twenty of his colleagues, presented a "Plan for the Establishment of a New Régime for the Railroads in the General Interest." It first proposed a purchase of the railroads similar to that suggested in the original Albert Thomas plan. The lines taken up would be administered by an independent organization operated for the people. This company would be capitalized at five hundred million francs; the right of subscription to thirty-three per cent of the capital would be reserved for the old shareholders, a slice of thirty-three per cent for Chambers of Commerce, of Agriculture etc., and the remaining stock, solicited by public subscription, would be devoted to guarantee payment of dividends on the major portion. The roads would be administered by a Superior Council consisting of representatives of the shareholders, the Government, the industrial groups and the personnel. Finally, all deliberations of this body would be subject to approval by the Ministry of Public Works.

The Loucheur plan was clearly ill-adapted to the needs of the moment. What the country needed was an immediate reorganization and revision, not an intricate procedure of purchase which must entangle the railroads in years of useless litigation. "Not to speak of the risk this operation would make our finances undergo, his solution would mean the prolongation of business uncertainty, useful only to the stock manipulator, while the entire economic life of the country would be disrupted through the lack of that cardinal element in our industrial advance—financial stability."[1] No less distasteful was the provision for close parliamentary supervision which would expose the administrative organization to all the exigencies of bureaucratic control. The complex machinery whereby labor

[1] *Revue Générale des Chemins de Fer*, Feb., 1921.

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was to share in the financial benefits, gained few adherents from the ranks of the enlightened working element. They emphasized the danger of being submerged in a morass of inferior personnel which clearly would be in preponderance. In short, as a current writer put it, "The Loucheur plan, inundated as it is in an ocean of unfavorable features, must needs be the focal point of a virulent criticism".[1]

The press—always a powerful factor in any issue of general interest—was unanimous in denouncing the measure as impracticable.[2] And with its author himself practically converted to the opposition, small wonder it was that the Loucheur project fell miserably flat in the Chamber of Deputies. That body—already firmly devoted to the program of the Ministry—refused even to dignify it by a vote.

The plan of the Republican-Socialist group was introduced in Parliament hardly before the bad feeling engendered by the Loucheur project had departed.[3] The new proposal comprised the plan outlined by the Economic Council of the C. G. T. The labor group had fused with the industrial wing of the Socialist Party and had intrusted Léon Blum, famous radical editor, with the duty of expounding the doctrine of nationalization before the Deputies. M. Blum harangued the Chamber for three days on the advantages of the project, but to no avail. It was violently opposed by the same element that had successfully suppressed the Loucheur scheme. When put to a vote on August 2, the Bill was decisively rejected by 435 to 119.[4]

The defeat of the Blum program apparently sounded the death knell, for the time being at least, of the movement for railway nationalization in France. The powerful labor and political organizations which had supported it now saw the fallacy of maintaining a costly propaganda for a cause whose

[1] André Liesse, "*Le Régime futur des chemins de fer francais*", in *Revue Politique et Parlementaire*, July, 1920, vol. xiv, p. 17.

[2] Consult, for instance, *Le Temps*, May 18, 19, 1920; *Le Matin*, May 19, 1920.

[3] *Journal Officiel*, May, 1920.

[4] *Ibid.*, Aug., 1920.

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chances of success were so meagre. They preferred rather to take their chances on the Government scheme for reorganization, which was sure to be adopted. The press rejoiced that France had been saved from a "Syndicalist octopus calculated to undermine our economic structure by the application of Bolshevism to the railroads."[1] It was pointed out that the adoption of either plan would have committed the nation to a system like that in England, where "all lines are under the complete control of the State. The service is in every respect worse than it was before the War and the charges, in most cases, greater; yet instead of covering costs, it shows a heavy deficit."[2] Capitalist organizations like the National Chamber of Commerce, the Federated Union of Entrepreneurs, and others of like stamp, saw in the defeat of the labor project "a return to the sane pre-war conceptions of industrial morality".[3] The C. G. T. itself was forced to acknowledge a reverse when the National Federation of Railway Employees, at its annual Congress in Orleans in September, deposed its leader, Bidégaray, fervent devotee of nationalization, and went on record as opposing any solution which would envisage the admixture of state and industry. "To accept the system of rule under a bureaucracy as conceived in the plan of our colleagues would have defeated the very ideals for which our organization came into existence."[4]

The Chamber of Deputies, when it reconvened in the fall of 1920 to consider the Government plan for a "Reorganization of the Railroads in the Common Interest", was decidedly pro-administration.[5] Opposition, moreover, was in a precarious state, due to the defection of M. Loucheur to the project of the Ministry and the split between the C. G. T. and the Parliamentary Socialist group. Upon its presentation in final form

[1] *L'Économiste Européen*, May 4, 1920.

[2] "Nationalization", editorial in *Edinburgh Review*, vol. 231, no. 471, January, 1920, p. 196.

[3] *La Journée Industrielle*, August 12, 1920.

[4] Interview with M. Seinart, new Secretary-General of the National Railway Federation.

[5] Statistics of fall elections. See *Journal Officiel*, Nov. 2, 3, 5, 1920.

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in the reports of the Commissions of Finance and of Public Works, the program was cordially received by all wings.[1]

The Le Troquer project was truly a needed reform. It was well adapted to the particular needs of the railroad system under the abnormal post-war conditions. It was designed to liquidate the past, while providing assurance for the future. The "Guarantee of Interest" was to be considered as having stopped in 1914, the State thus erasing the war-time debt. In return, the companies renounced their claims for damages due to the War. For the future, the new Convention proposed to unify operation and effect financial equilibrium. The selfish war-time spirit of the private roads convinced the Minister of the need of unifying methods, equipment and rates, and correlating the means of transport. M. Le Troquer's plan achieved this union in the creation of a Committee of Administration which would be the active organ of the common interest of the private roads, each preserving its autonomy but without power to controvert the Committee's decision.

The unity of lines in this general railroad policy is assured by a Superior Council composed of representatives of the railroads, of their personnel, and also, in equal number, of public interests. This Superior Council would assume the character of an independent body interposed between the Government and the private interests. The companies and the public would no longer be exposed to the whims of a dogmatic Minister (a common evil of the pre-war situation). In line with all affairs involving the collective interests of the railroads, the Superior Council would also act as arbiter in disputes between the operators and the personnel. The Minister might review its decisions but only on appeal, and even then, subject to final consideration by the Council.

Financial equilibrium is assured by unifying private accounts. A common fund is to be established to cover possible deficits of operation and is to be enhanced by surpluses after, of course, each road has paid current expenses and charges. The latter would embrace periodic dividends to the shareholders and a

[1] See addresses by party leaders, *Journal Officiel*, Nov. and Dec., 1920.

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"bonus" allocated one-third to the personnel and two-thirds to development of traffic and economy. Railroad rates would be raised or lowered, following the fluctuations of the Common Fund, on authorization of the Superior Council. The receipts and expenses would thus be apportioned in the interest of the general weal. The Convention elaborated minute details for purchase by the State of any line which by 1930 was operating at a deficit and gave no promise of success under private control. Finally, the Government agreed to make loans when necessary to tide over crucial periods and assure a high standard of service at all times.

The terms of the new Convention received close scrutiny in the Chamber for two months, during which time fifty-five amendments were proposed (only one of which was accepted), mostly by the Socialist *bloc* in an effort to prolong debate. Public opinion was becoming impatient, however, and on December 18, after M. Peret, President of the Chamber, had made some caustic remark about the moral significance of dilatory methods,[1] the Deputies adopted the measure by a vote of 383 to 181.

The new Convention was immediately submitted to the Senate. Here again, in spite of a vigorous appeal by the press for action, it was subjected to exhaustive analysis. The conservative Senate adhered to the Convention in principle but inserted modifications designed to subordinate the rate-making power of the Superior Council to Parliamentary supervision. Limitations were also placed on the procedure to be followed in distributing bonuses to the personnel. The changes were incorporated in a new bill, which after lengthy deliberation was accepted, 219 to 55, on July 9, 1921, and promptly resubmitted to the Chamber. The Minister of Public Works, and the private roads, tired of delay, immediately acquiesced in the changes. The Deputies no sooner received the document than they peremptorily voted for a three months' adjournment.[2] Party leaders were severely criticized for not forcing the meas-

[1] *Journal Officiel*, November 19, 1920.

[2] *Journal Officiel*, July 19, 1921.

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ure through. However, it was well established that ratification in the fall would be immediate, and well-informed observers were inclined to regard the delay as a respite for the perfection of plans to put the new law on a working basis. The bill came before the Chamber in the first days of the fall session and was passed with surprising ease, by a vote of 408 to 176, on October 29, exactly eighteen months since it had first been placed on the books.[1]

The radical press, of course, bitterly denounced the measure as being "the product of the Master Minds of the railways themselves, and flagrant testimony to the duping of the Ministry by ever-menacing capitalists".[2] One writer[3] characterized the law as "An attempt to slink further away from the rational doctrine of State control". On the whole the law was well received by all elements whose interests were involved. The optimism it engendered was reflected in the boom of public service securities on the Paris Bourse and in the decrease of labor unrest.[4]

It is quite premature to make any predictions as to the probable success or failure of the new law. Suffice it to note that it has been regarded with the utmost favor both by the public[5] and private roads, which look forward to a system of unified control and financial stability—two basic elements of progressive organization. The Socialist party and the C. G. T. continue to malign the measure but their opposition is offset by the enthusiasm with which the railroad operatives themselves regard

[1] *Journal des Débats*, Oct. 30, 1921.

[2] Marcel Cachin in *L'Humanité*, July 11, 1921.

[3] M. Renaudel in *La France de Bordeaux*, July 19, 1921.

[4] See statistics in the *Bulletin de La Société d'Études de l'Information Économique*, Sept. 10, 1921.

[5] Since the completion of this article, the French government has evinced its sincerity and desire for the healthy growth of a new spirit in its railway service, by giving up (in March) its control of the huge "État" system, after more than a decade of unsuccessful bureaucratic management. This may be regarded as a masterly stroke on the part of the industrialist element, which dominates the French legislature as never before. Still more interesting, it probably marks the passing, for some time at least, of attempts at government ownership, always a cardinal point in programs of nationalization.

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the reform. To them, it represents tangible benefits. They feel that henceforth they will be in a position to influence directly the national policies of transport and protect their own interests in the Superior Council. Besides, they will be allowed to share in the surpluses which will unquestionably ensue if the other provisions of the law are intelligently applied.

That the new law will weaken the adherence of the three hundred thousand railroad employees to the C. G. T., seems certain; equally certain, it would appear, will be its tendency to stabilize the relations between the operators and their personnel and to decrease considerably the power of those who in the past have been responsible for the railway tie-ups, so calamitous to the French industrial structure and to French industrial progress.

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A SOCIOLOGICAL INTERPRETATION OF THE RUSSIAN REVOLUTION

IN March, 1917, the epoch-making Russian revolution startled a world already becoming callous to war-made changes. In the following November, with little or no opposition, the Bolsheviks seized the power and attempted to put into immediate operation a complete Marxian and Communistic scheme of control. To understand from a sociological point of view the factors producing this situation we must make a careful study of conditions and forces in the old Russian empire.

Let us first make clear just what factors we are to consider. Dr. Giddings has insisted on the significance of the fact that the greater the similarity in physical and mental equipment between two organisms, the greater the similarity of their reactions to a given stimulus. The greater the dissimilarity in physical and mental equipment, the greater the probability of unlike reactions. Indeed, every social situation can be judged as the resultant of two variables—the likeness or unlikeness of the reacting mechanism and the character of the outside stimuli or circumstantial pressure. Each of these two factors interacting helps to produce or modify the other. Thus totally dissimilar stimuli acting on similar organisms will in time make for unlikeness. On the other hand, unlike groups closely associated always tend to exert unlike pressure on each other. In order to understand, then, the cause of a great social mutation or revolution, we must understand the degree of likeness between the ruling and non-ruling classes. We must then study the coercive pressure of the dominant group which stimulated or hindered the explosion. Let us consider, first, the factors in the Russian situation which made for unlikeness between the proletarian masses, whom we shall term the workers or peasants, and the educated aristocratic class.

The Biologic Factor.—The population of the Russian empire in 1912 consisted of over 180,000,000 people. They were

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divided roughly into a class of workers and peasants comprising 93 per cent of the population, and an upper or ruling group of about 7 per cent. A great middle class such as is found in England or our own country was absent. Within the population there was a conglomeration of over one hundred races or nationalities speaking different languages or dialects. The empire comprised groups as far separated from each other as, for example, over five million Jews of German extraction, nine million Mongolians and several million Tartars. The significant fact to remember is that while there were these opposite racial types with their widely diverging racial traits, they occurred quite exclusively within the proletarian ninety-three per cent of the population, the upper seven per cent being for the most part of pure Slavic stock. By a rigid exclusion, Jews were kept down from any important post either social or political. In Turkestan, where Mohammedans predominated, the ruling classes were Russian Slavs, although ninety-three per cent of the population could not even speak Russian. The ruling classes then were for the most part racially alike, whereas the peasants were a scattered mixture of varying racial stocks. As a whole, the latter could be expected to react more variously to given stimuli than would the upper racially similar group. This was true because in the historical evolution of the Russian empire the pure Russian Slavic group had been in the main dominant and hence tended to retain control in its own hands.

The Geographic Factor.—Until the World War the Russian empire consisted of the stupendous area of 8,600,000 square miles, or over twice that of all Europe. Siberia alone was over forty times as large as the United Kingdom of Great Britain and Ireland. Within this huge territory there is a wide divergence in temperature, from the hot tropical climate of the deserts in Turkestan to the cold arctic regions of Archangel. Although there are sections which are rich in timber, mineral and oils, the absence of railroads and manufacturing has, for the most part, prevented their utilization. Russia embraces the greatest plain in the world. At no point in its wide sweep does it rise to an altitude of over 1,400 feet. It is watered by three

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great river-highways—the Volga, the Dnieper and the Western Dvina. The proletarian masses, provided by nature with this rich and fertile region, have tilled the soil for generations. In 1912, eighty-six per cent of the population was rural. The masses were compelled to be peasants by the nature of geographical forces. There was little opportunity for venturesome spirits to break the monotony. In industry conditions were hard. In 1900 the average monthly pay of an adult male worker was only about twenty roubles or ten dollars. The hours of work were long, seldom averaging less than twelve a day, and the men were not permitted to organize. Moreover, even if they did go to the factory for the winter, they were likely to drift back to the fields in summer. As a result there was a likemindedness of the proletariat brought about by a common occupation, the product of similar geographic stimuli. The peasant with a factory experience may have received some new ideas, but he was essentially a peasant.

Furthermore, the great mass of the population live in a cold climate. In winter the rivers are frozen solid and the plain is covered over with snow. This causes a relaxation of energy; for many months tillage is impossible. It makes also for communal organization, for home industries. Generations of common work in a common climate have tended to establish certain well-defined cultural habits among the masses.

The aristocrats and the educated—the seven per cent—are not bound to the soil. They can go south in the winter, or visit the Caucasus or the Crimea in the summer, or perhaps even make an excursion abroad. The soil which molds the task of the peasant is not a compelling power in shaping their interests.

The biologic and geographic factors already mentioned would be sufficient to make for large differences between the rulers and the ruled, but far outweighing these are the dissimilarities in culture. The social heritage of each is in large measure separate.

Religion.—So far as religion was concerned, the aristocracy, if they had any, were technically of the established Orthodox faith. Thousands of them, however, were frankly skeptics and even those who were not had a belief with an entirely different

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content from that of the peasants. To them the priest was an inferior who must obey their wishes. God had ordained them to a superior station in life. The Tsar believed firmly that he was divinely appointed to rule. The common people, on the other hand, held various faiths. Besides the millions of Jews, there were Mohammedans and Roman Catholics. Even the peasants who belonged to the Orthodox Church went away from its services with quite another feeling than that of the nobility. They were enchanted with the mysteries of the church, its magnificent interiors, inspiring music, burning candles, and priests in golden robes. They had to pay their tribute to the latter even if it meant starvation at home. Underneath their devout exteriors the priests often acted as agents of the Tsar's police and usually obeyed the dictates of the upper classes. They were men to be feared and obeyed. The dominant group saw to it that the church was subservient to its interests and this inevitably widened the breach between the two classes. As a matter of fact, the whole religious experience of the common people built up an attitude of mind quite foreign to that of the nobility. The former had a superstitious faith that God would provide. This is indicated by some of their proverbs. "God, who gave us teeth, will also give us the bread." "God gave us the body; he will also give us health." Some among them recognized vaguely the cost to themselves of the building and maintenance of their own churches and would quote the following proverb, "The church is not built of logs, but of [human] ribs." Their religious feeling also resulted in superstitious practices. A friend of mine in Russia once noticed the people trying to stop the spread of fire by placing the ikon, or religious picture, between the conflagration and the next house. Most of these superstitions and proverbs were not even known by the educated and those that were, frequently provoked derision. Thus the masses had quite a different religious heritage from the aristocrats. It made for unlikeness between them.

Education.—In matters of education there was a far greater disparity between the two than in religion. In 1912 investigation showed that less than four per cent of the entire population were in school and of these the largest number were from

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the aristocratic class. According to the report of the investigating committee of the Third Duma, the educational influence which the schools exerted among the peasants was insignificant. Many children, soon after leaving, were found to be illiterate—the terms were for only four or five months in the winter, anyway. It is no wonder that at the time the war broke out, fifty per cent of the soldiers could not even sign their own names, and nearer seventy per cent could not read. The peasants even acquired a jargon of their own which was not always intelligible to their superiors. In contrast to this lack of education, the children of the nobility were sent to the very best schools or had private tutors. They were always taught some foreign language, and frequently two or three. Often French was as commonly spoken as Russian. Books from Germany, France, England, America and Russia were available to them. All this was a bond of social solidarity drawing together the upper classes, but separating them all the more from the common masses. Parallel to the dialect of the peasants, the language of the aristocracy was polished, another fact which tended, to some extent, to inhibit easy communication.

Not only was this difference present, but it was deliberately fostered by the ruling classes. Newspapers and magazines were carefully kept out of the reach of the peasants, and those that had the remotest chance of being read by them were carefully censored. One example of the ruthlessness with which this ignorance was jealously guarded is the following: The peasants in one village painfully saved up their money by various sacrifices and purchased a moving-picture machine with American films. They hoped to learn something in spite of their illiteracy. On the first night the pictures were shown, the Tsar's police broke into the meeting, confiscated the machine, and exiled the operator to Siberia.

Traditions, Folkways and Folksayings.—The result of no education for the masses was the building-up of a whole congeries of traditions, folkways and proverbs which were handed on by word of mouth. These were the exclusive social heritage of the peasants, and, for anyone of the upper class to understand them, a lifetime of study was required. The peas-

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ant had no national heroes such as help to galvanize our western societies. The nearest approach to them were revolutionists who opposed the government, such as Stenika Razin. The average peasant will say he sees no use in the acquisition of huge blocks of new territory, a tradition of empire-building, that he is no better off because of it, that, on the contrary, every war has had a disastrous effect on his own fortunes. To use Veblen's phrase, the cultural incidence of the peasant's way of life created a viewpoint always different from that of the nobility. For example, the sight of those who have been arrested awakens in the mind of the peasant only a feeling of sympathy and pity. He never calls such an unfortunate wicked, but *reschastny*, or unlucky.

The propertied classes, on the other hand, could look on quite unfeelingly while a peasant was being flogged. They had been taught that the State and the Tsar were supreme and were always right. The two things which were impressed on the Russian officer throughout his military training were first, loyalty to the Tsar, and second, loyalty to the nation. The clause "loyalty to the nation" seldom implied to the Russian officer loyalty to the people; the thought had never entered his mind. The propertied classes in their turn built up a set of ideals, customs, etiquette and social usage, a good share of which the peasant did not even know about, much less understand.

Recreation.—The gentry were also separated from the peasants by a wide divergence in their recreational life. The latter have the most simple folk pastimes. On Sundays and holidays the young men and girls go for festival walks to the accompaniment of their musical instrument, the balilika. Their main enjoyment seems to be playful conversation, music and the out-of-doors. The peasant falls heir to a wealth of folksongs. There are historical epics, and lyrics of love, warfare and death. There are nature songs welcoming back the sun after the winter, besides special ones for every festival. Some of these are in honor of those who have revolted against the government, as is the following:

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On the waters of our little-mother Volga
The storm is lashing, and the waves rise high;
Alone a tiny boat is battling
Alone 'midst the fury of the gale;
But look! at the helm there stands a figure,
Scorning death in the waters dark and grim,
'Tis the hero of our little-mother Volga,
Our Stenika Razin.

The aristocracy in contrast to these simple pleasures had their card, dancing and theatre parties. Tolstoy tells us that it was considered good form for every young man to have had at least one intrigue with an older married woman; and drinking, gambling and dissipation were all but universal. Prince Kropotkin says that large sums were squandered in amusements abroad. Certain German sanitariums were built exclusively for the purpose of caring for Russians who had become ill in the cafés of Paris.

Occupation.—Another important factor making for unlikeness between the common mind and the aristocrat was the difference in occupation. Instinctive responses are reconditioned by the particular experiences the individual undergoes. Chief among these is his occupation, yet more of a contrast than existed between the classes in this respect can hardly be imagined. The peasant was compelled to till the soil, and his portion was continually dwindling in size. Since the liberation of the serfs in the sixties until the pre-war period, the amount of land held by the individual peasant had fallen nearly one-half. Whenever crops were at all below normal, large numbers were forced to live on what amounted to a starvation diet. Where the Mir existed, whatever land there was, was owned in common by the entire village. Each peasant received a narrow strip between two and ten yards wide, which included both good and bad land, and the parts were often widely separated. The nobility took little interest in stimulating production and supplying modern equipment, so that agricultural backwardness was the inevitable result. Wooden plows and harrows were in common use; ropes or fibre thongs were the chief material for the harness of carts or ploughs. Moreover, the peasant felt that he

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was being cheated out of what he produced on the land. For generations his ancestors had tilled the soil, and the landlord had reaped the benefit. Some day the greedy landlords will be dispossessed, was the constant thought of the peasant, who believed that not he who held the title but he who tilled the property was really entitled to own it. In the peasant courts, where law is administered on the basis of custom and folkways, labor is recognized as "having rights superior to property and even kinship". Sons-in-law, stepsons and adopted sons have all the inheritance rights of children born in the home, and the firstborn son is debarred if he does not take part in the common work.

The landowners and the nobility on their part were taught that it was beneath their dignity to do menial labor. It was their due to enjoy a life of leisure, or at least a position of comfort in the governmental employ. In the latter position a special costume was required to be worn and a system of medals, distinctions and honors added to the prestige enjoyed.

Home Conditions.—Perhaps most striking of all the influences tending to make for unlikeness were the home conditions. The Russian peasants crave society, and all live together in a village. The little wooden huts with thatched roofs usually contain but one room and a shed. The one room is kitchen, living-room and bedrooms, besides being used for a calf-pen, pig-sty, lamb- or horse-stall in cold weather. In summer the children sleep outside, doors and windows are open, and the entire family spend the day in the fields. But in winter when all sleep in the one room and the windows and doors are tightly closed, conditions are not enviable. The diet of the peasant is largely vegetarian. His bill of fare is made up chiefly of rye bread, potatoes, milk products, and the various vegetables in season. Nevertheless famines recur periodically and thousands starve as they did in 1891 and 1899. Disease is prevalent owing to the lack of sanitation and doctors. In America we have one physician to every eight hundred persons, but in the country districts in Russia there was one only for every 21,000. The Russian peasant usually had a large family, as is evidenced by the rapid increase of the population as a whole, in spite of the

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high death rate. A woman works at least as hard as her husband, if not harder. Ordinarily she milks the cow, feeds the poultry and live stock, cooks, washes, cares for the children, and in summer toils in the fields with the men.

Across the gulf of caste the educated classes lived in the best European style, surrounded by every comfort that money could buy. In case of illness they could summon capable professional help from the town. The magnificence and luxury of some of the homes can hardly be realized by those who have not seen the actual palaces on the banks of the Niva in Petrograd. The difference between the peasant and landlord was most tellingly felt in the famine years when the peasants and their children would die by the thousand, whereas the aristocracy were living on the fat of the land. Prince Kropotkin told me about one of the serfs on a nearby estate who during a famine period timidly came up to the landlord's door to beg a little bread for his children, only to be taken out and whipped for his impudence.

Peasants Absolutely Unlike the Aristocracy.—All of these factors made the ninety-three per cent of the population quite unlike the upper seven per cent. We can almost say that they were separated from each other in their thinking more completely than the United States is separated today from Europe, for between America and Europe there is at least a constant stream of interchange of ideas, communications and speakers. Almost every year some international gathering occurs such as a peace conference, a labor gathering, or a disarmament conference. In Russia national meetings were carefully censored or prohibited altogether and there was no adequate means for the interchange of ideas between the peasants and the aristocrats.

Added to this was a caste system which excluded a man born a peasant from rising above his class except on occasions of rare good luck such as a particularly heroic deed on the battle field, or the saving of the life of one of the nobility.

As a matter of fact, the aristocrats lived in a world so removed from that of the peasants that they did not even realize that they were separated. The proprietary classes did not

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understand why a peasant should steal in a famine year. Some of them did not even realize that the peasant had feelings, that he really fell in love, or had sympathies, and an appreciation for art and beauty. How absolute was this line of demarcation is shown by the fact that Prince Kropotkin told me of a landlord's wife who was astounded to see a peasant girl break into tears on hearing that a certain soldier had been killed at the front. She could not believe it possible for the peasant classes to be really in love. Another noble saw nothing wrong with the fact that wounded soldiers had been left for hours by the railroad track, uncared for, although there had been room in the hospital car with the officers. It shocked him to think of soldiers riding in the same car with officers.

Circumstantial and Social Pressure.—We have now reviewed the facts which made for unlikeness in Russia. The ninety-three per cent were radically unlike the seven per cent. Let us next consider the circumstantial pressure or its product, the social pressure, which, as we have indicated, is a second factor in every social change. This acts in two ways, as a binder and as a stimulus. Unlike groups as characteristically as unlike individual organisms react in unlike ways, and if in close contact tend to have conflict. Consequently the dominant group erects a binder of coercive pressure about the other. This frequently curbs instinctive desires and reactions and so itself acts as a stimulus to revolt. Such was the case in Russia.

In 1905 the world had the greatest warning of impending disaster that has occurred in recent history. Suddenly an entire nation of workers and peasants struck. Armed risings of peasants broke out spasmodically all over Russia. Not understanding the handwriting on the wall, the upper classes became alarmed and persuaded the Tsar to grant certain reforms. It was soon apparent, however, that neither he nor the nobility had the faintest conception of the longings of the masses, for at the first opportunity he violated his most sacred pledges to the people, suppressed newspapers, arrested hundreds and disbanded the legislative assembly.

For years Russia had had a slowly falling barometer of nihilist and anarchistic assassinations and plots. The nobility were

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too far removed from the common people to understand what was wrong. As in a chemical mixture capable of causing high explosion, the elements within the Russian empire had long been in the proper proportions to cause the most serious catastrophe in Russian history. In spite of this, the explosion was delayed for a time by the strong governmental pressure of a highly bureaucratic and centralized system backed by the ruthless use of force. The racial and religious divergencies among the masses, which we have indicated, acted as one deterrent. Peasants from one district were always used to quell disorder in another where the customs and habits of the people and perhaps even the language or dialect were quite different. At every point the peasants were hemmed in by government officials who restricted their every movement. The *Ispravnik*, or police commissioner, had general supervision over each district. His will was law. He could fine or imprison any one he chose. Under him was the *Uriadnik*, or constable, also having absolute power but subject to the disapproval of the *Ispravnik*. He could enter any house at any time of day or night to make inspection without a warrant. Besides these officials there was the *Zemsky Nachalnik* who had administration over all the rural institutions and was higher than the *Uriadnik*. He could depose the elected officials of the peasant commune or Mir and order any peasant flogged. He belonged to the nobility and naturally would not betray their interests. The only way to placate an angry official was through bribery. Taxes were extremely heavy, in some cases more than the total income from the land. Yet since the village commune was responsible collectively for the payment of the tax, and the peasant could not by law leave his village without its consent, he was hopelessly under bondage. The least delinquency might result in imprisonment and a heavy flogging. An elaborate system of espionage was used to make still more difficult any resistance on the part of the peasant. Yet the very pressure of this coercive force acted as a stimulus to revolt. By its action it generated the friction which would make for its own negation.

The Revolutionists.—When two unlike groups react against each other, it may happen that a third group is produced. In

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Russia some from among the educated classes had at least partially broken through the wall which separated them from the peasants. They were the ones who had the sympathy and imagination to see the differences between the upper classes and the masses and to realize that some change must come. But they were prophets without honor. As soon as the group voiced their feelings the Tsar's machine took action. They were either silenced, exiled or jailed. This experience intensified the unlikeness between them and the ruling class. At the same time, workers who had attempted to protest against their condition were also arrested by the hundred. In the Tsar's jails and in exile these two groups shared a like experience and became more or less likeminded. How partial this was, at best, can be seen from the experience of Dostievsky, the writer. He was born into a family belonging to the lowest ranks of the nobility, to the social group which furnished the minor public servants. He was arrested and exiled to Siberia for a remark made at a literary club about the necessity of liberating the serfs. In the Siberian prisons he was in constant association with peasants, yet he could not break down the obstacles which centuries had erected between the classes. He once tried to join a hunger strike of the prisoners, a protest against their inadequate diet, but the others were suspicious. They said, "Why should you join in the strike? You buy your own food." Dostievsky says it was one of the saddest experiences of his whole prison life. He realized that if he should remain in the prison for a century he would never bridge the gulf of class. Nevertheless, a small but energetic protocracy of revolutionists was being created. There were thus three groups in Russia, the large peasant masses, a small militant revolutionary group, and the seven per cent aristocracy. Of the three, the peasants and the revolutionary group were the nearest alike, but to some extent the moderate revolutionists did understand the aristocracy and shared their views. In so far as this was true, they acted as a mediating group between the other two.

Adopting Marxian Theory.—The more bitterly the revolutionists were persecuted, the more firmly convinced they became that there was nothing to be hoped for from the Tsar's

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government. It was natural that they should look about for better theories of government. Now Germany and France were alive with the Marxian dogmas and it was only to be expected that the overwhelming majority of the revolutionists should adopt such theories wholesale, for their humanitarian ideas and reactions had been suppressed by persecution. Many of them had fled abroad after years of suffering under the Tsar's system and, pursued by the Tsar's spies, naturally sought the "aid and comfort" of the radicals of other lands. This created common bonds of likeness between them and a common philosophy of life and government. Moreover the extreme bitterness of the struggle in Russia and the contrasts in wealth and poverty helped to create a desire to have all the control, even of factories and property, in the hands of the ninety-three per cent. One has only to read such biographies as *The Little Grandmother of the Russian Revolution*, or a revolutionary history such as *The Birth of the Russian Democracy* to see the influence of the Tsar's machine on the revolutionists. His very binder of jails, repression and exile, which was intended to suppress unlike reactions to the government and the régime of privilege, itself served as a stimulus and warped the minds of the revolters still further from the average or norm of their class. We can realize this very clearly if we take the lives of two prominent Bolsheviks. Lenin was born in the city of Simbirsk fifty years ago, where his father was director of the high school. When he was seventeen, his elder brother was hanged by the Tsar for taking part in a student revolutionary movement. When Lenin entered the university he was promptly excluded. Nevertheless, after four years of private study he did succeed in passing the examination for the bar, but was arrested in Petrograd soon afterwards for organizing a group of workers. After a long period in jail, he was exiled to Siberia in the latter nineties, where he wrote two books, *The Aim of the Social Democratic Party* and *The Growth of Capitalism in Russia*. As a result of their publication, Russia became too hot for him, and he fled abroad, joining the revolutionary group of Russians in Switzerland. It is obvious that such an experience, beginning with the death of his brother on the gallows,

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and ending with imprisonment and exile, would warp the mind and outlook of anyone. In 1903 at a conference of the Social Democratic Party, Lenin led a faction which pledged itself to "pure revolutionary action" without any compromise with the bourgeois parties. His faction secured the majority of the delegates and ever since has been nicknamed the majority, or *Bolshevik*.

Another of the prominent Bolshevik leaders, Leonid B. Krassin, Commissioner of Trade, was a native of Siberia. He entered the Petrograd Technological Institute, and was expelled three years later for participating in a student mutiny. In 1892 he was serving in the army but was arrested in connection with the case of a Social Democrat distributing propaganda among railway workers. Exile to Siberia was the penalty; there he gained considerable reputation by constructing a railroad. For this achievement he was permitted to return to the technical institute but was again expelled in 1898. He next supervised the construction of a central electric station at Baku, at the same time helping to establish printing presses for propaganda purposes. In 1901 he was a member of the central committee of the Russian Social Democratic Labor Party and was arrested in consequence, in 1905. He managed to escape to Switzerland and after some negotiation his friends secured permission for him to return to Petrograd to run the cable system. Once more his revolutionary activity became known and he was forced abroad. This time he went to Germany and secured appointment as a representative of a German firm which had high influence in the Tsar's court. His recognized ability was such that at the outbreak of the war the Russian government placed him in charge of certain of the German manufacturing plants. He retained this position until he joined the Bolshevik government.

In both these cases we have men who have had long records of exile and imprisonment. Had they been born in America with their initiative and ability, they might have held posts of honor in the commonwealth. Born in Russia and subject to the Tsar's coercive pressure, they adopted Marxian views and became revolutionary leaders. Their experience in the

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jails and in exile profoundly affected their theories. We have now and then seen something of the same sort happen in the United States. There are those who would say that it has been exemplified in Eugene Debs, long a Democratic party supporter, who was jailed for refusing to obey an injunction, and thereafter became the Socialist party's candidate for the presidency.

The Revolution.—In spite of the unlikeness of the masses and the activity of the revolutionists, the Tsar's binder of circumstantial pressure was too strong to permit an overthrow of the existing order. But in case of war the peasants could be conscripted and plunged into the maelstrom to become cannon fodder over issues about which they knew little and cared less. It was thus in the World War that Russia mobilized sixteen million men; they were snatched from their homes, perhaps not to return on furlough during three long years of war. Their wage was the mere pittance of twenty-five cents a month. They ate out of a common dishpan, seven soldiers dipping their wooden spoons into the same bowl for their noonday meal. There was little or no welfare work done for them; they died like flies. These great masses of soldiers were alike, but it took nearly three years of association together at the front and in the garrison cities for them to realize their power. The intimate association and contact of life in the trenches had created a conscious solidarity which had never before been felt. The Tsar himself had wrecked his own powerful binder of circumstantial pressure, which before had prevented the revolution, by placing in the hands of millions of likeminded soldiers machine guns and rifles. It needed only a few sparks from a hungry mob in Petrograd to set off the greatest explosion of the Twentieth Century. The Tsar was swept aside, a Temporary Government was appointed, and behind the scenes were ruling Councils of Soldiers, Workers and Peasants' Deputies.

The Temporary Government.—At once the upper classes began to understand something of the gulf that separated them from the masses. Said a general in Turkestan: "Before, I could shoot a man if he did not follow my order; today I must reason with him. I feel like a man who has been eating Rus-

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sian food all his life and is suddenly forced to eat Chinese food with chop sticks. My stomach won't stand it." One Russian officer, realizing at last that he did not understand the people, said, "All my life I have had a little fence around my brain shutting me off from the common people." Even after the revolution it was impossible to break down these mental barriers, as is evidenced by the following typical illustration. Soon after the revolution an order was issued stating that hereafter officers need not be addressed as "Your highborn excellency". One colonel on being informed of this change by his adjutant exclaimed in great rage, "Do you mean to tell me that some insignificant dirt of a soldier will call me simply Mr. Colonel?" On being assured that it was the latest order, the colonel jumped up, smashed his chair into splinters on the floor and left the regiment never to return.

After the revolution the Temporary Government, made up of various coalition parties, was supposed to be in full control. In reality the soviets of soldiers, workers and peasants were the real power. Whereas the soviets were composed of the representatives of the masses and therefore like them, the Temporary Government included such of the intellectuals as Miliukov and Gutchkov. How far unlike the common people they were is now apparent to everyone. The Foreign Minister, Miliukov, stated to the world that the Russian people wanted to fight until they could add Constantinople to their empire. In reality the common people did not care about fighting for one foot of foreign soil, and were even willing to sacrifice some that they had. So unpopular was his declaration that Miliukov was compelled to resign at once. The stern logic of events has forced many of the intellectuals to realize how widely separated they really were, and the Temporary Government was, from the common people. Baron Rosen, for example, is today willing to admit: "There is an almost impassable gulf of mutual non-comprehension which divides the masses and the classes in Russia. The desire to fight and the yearning of the people for Constantinople are creations of the brain of an infinitesimally small—compared with the bulk of the nation—circle of intellectuals, who, by the control of the press and their influence on

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the government, are enabled to create the illusion of 'public opinion'." Kerensky and those in the government still continued to talk war and complete agreement with Allied aims.

On the other hand, the Bolsheviks, who for the moment were far more like the common people in their thinking, readily won converts by the thousand with their popular slogan, "Peace, Land and Bread". The circumstantial pressure had been removed. Behind the scenes in every city and town in Russia ruled the councils of soldiers, workers and peasants. Whatever this group really wanted they got. To cite but one instance, in Turkestan the military governor, General Kuropatkin, a former Commander-in-Chief of all the Russian armies, was arrested and sent to Petrograd.

The Bolshevik Government.—In view of all this, it was only natural that the small and active protocracy of Bolsheviks, who did to some extent understand the thoughts and desires of the people, should seize control. As Sir George Buchanan, the English Ambassador, said, "They had won over the majority of the soldiers, the workingmen and the peasants," and were firmly in the saddle. That they had the masses behind them is now admitted by Kerensky when he says, "The Bolsheviks gained a majority in the Petrograd Soviet on the 7th of September. The same happened everywhere with lightning rapidity."

But while the Bolsheviks were far nearer the real desires of the masses in the slogan "Peace, Land and Bread", they were not nearer to them in theory. Their theory was a derivative from the Marxian and totally foreign to the masses, a fact of which the Bolsheviks were well aware. Says Lenin in a pamphlet for party members only, "The advance guard of the Proletariat of the Communistic Party manipulates the non-party mass of the workers, educates them, prepares them, trains them in the school of Communism (first the workers, then the peasants) in order that they may some time take over into their own hands the conduct of all their affairs."

Lenin did not believe in waiting until the peasants and workers had become familiar with his ideas; he started immediately to apply the theories he had been preaching all his life. The

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banks were seized and nationalized. The factories were turned over to the workers, and the peasants were urged to expropriate the land. Lenin took immediate steps to stop the war, which was unpopular. It is only fair to say, however, that when Germany insisted on an outrageous and shameful peace treaty, he considered renewing the fight. Indeed, he made a definite offer to Raymond Robins to oppose ratification of the treaty, provided England and America would pledge Russia their support. No answer was ever received from the Allied governments to this offer and the peace was consummated. All power had been given to the soviets as soon as the Bolsheviks had taken the power. These councils were based on a combination of geographical representation in the villages and an industrial representation in the cities and towns. They were largely controlled by Communists. It was inevitable that they should themselves gradually apply the same methods that the Tsar had used in his machine of governmental pressure. Thus the Bolsheviks adopted censorship of the press and built up a very effective secret service organization along the lines of the Tsar's spy system. It was called the All-Russian Extraordinary Commission for Fighting Counter-Revolution, Speculation and Sabotage. In the course of two years' work, according to its own record, it suppressed three hundred and forty-four revolts and shot over eight thousand people.

The measures which the Bolsheviks enacted broke down the iron-clad compartments which had separated the ruling classes from the masses. In the first place, each racial group in the population was given the right to form a separate state. All of these were then federated into the Soviet Republic. The propertied classes were for a time disfranchised and made propertyless, and the result was that they soon found themselves working side by side with peasants and workers. It was only a matter of months before the majority began to have a dim understanding of the feelings of the peasant classes. To-day scores of them testify that they never understood what it was to be a peasant and go hungry until they themselves had felt the pangs of hunger. Although the Bolshevik policies definitely antagonized a large number of the seven per cent and

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forced them into open counter-revolution or onto foreign soil, it did make many of the intellectuals mingle with the peasants and so grow more likeminded to them. This in itself acted as a strong force toward breaking down the barriers that had formerly existed between the two classes.

In those things which did not depend on the Marxian theory, such as education and child welfare, the Bolsheviks were able to act. According to the May, 1921, report of the Russian Unions, they alone had established over ten thousand new schools in Russia. This is in addition to the number started for the rest of the population by the Department of Education. Hundreds of children's homes have also been initiated. When it came to the matter of text books, pencils, ink and equipment generally, these depended somewhat on Bolshevik theories and here it is that we find scarcity and need.

As has always happened in any government in which socialists have attempted to apply their theories quickly and in large doses, production falls off and mere existence becomes most difficult for the common people. In Russia, which had been bled white by a four years' war, conditions went from bad to worse as civil war and intervention continued. The peasants were tired of war and revolution. They cared not who was in power, provided they could have their land, till the soil, and secure the goods they needed in exchange for their crops. By a combination of causes, the civil war, intervention, the blockade, and false economic theories, food was made more and more scarce until the Bolsheviks could not furnish a sufficient amount for their own departments. The supply of clothes, medicines, soap, agricultural implements and railroad equipment dwindled. Lenin's mind, warped by the experience of a Tsar's environment, was going through a trial-and-error process in which he was learning, as were all his followers. It is the same old story, true the world over. Let any socialist who has been fighting in opposition all his life suddenly be given power. If he holds his position long enough, he will be acting quite differently from his course at the start. There have been many instances of this in the United States, when a man such as Lunn has been elected to office on the Socialist platform and has ended by becoming a party Democrat.

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Ever since the Bolsheviks took control, step by step they have been abandoning their earliest positions. First, Lenin advocated a uniform wage rate for all. Today he is paying the workers according to an output test. He began by urging the confiscation of all factories and their management by the workers. Today they are being run under the direction of experts appointed by a Supreme Council of National Economy, and Lenin is bargaining with the capitalists of Europe to come in and run his industries.

Lenin entered upon his power by nationalizing the land and compelling the peasants to yield all their products to the state. This was unpopular. Today there is practically private ownership in land, subject to redivision by the villages, and the peasants can sell their products after they have paid a tax to the government. Lenin has definitely used the incentive of private property to induce increased production. A cooperative brotherhood of individuals working without the spirit of monetary gain for the benefit of all, still remains a dream in Russia. In nearly all cases where the Communist management has been tried on large farms it has proved a failure.

At the beginning, Lenin talked of doing away with money entirely and substituting work checks which would be good only to those who had actually done work, and which would be void after a certain period. Today he is introducing a silver-secured currency.

Last winter almost everything in Russia was free to the people. Privileges were given merely on an order written by the proper authority. Street cars, electric light, train travel, bread and food of every description, all were given out by the government. Today the system has broken down. The Bolsheviks are now charging 300 roubles per kilometer on the railroad and all those who are not state employees must feed themselves.

Lenin began by confiscating bank accounts above a very meagre amount, and all valuables in safety deposit vaults. Today unlimited deposits are again permissible.

In all these respects we have logical reactions from the stimuli of an autocratic Tsar's régime. Once the authority of the circumstantial pressure of the Tsar's despotic system had broken

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down, it was almost inevitable that the extreme elements within the revolutionary party should secure control. The extent to which it is true that those in power have been the ones who were warped by a harsh experience under the Tsar can be seen by the Bolsheviks' own statements. There are only two of the eighteen People's Commissioners who have not served a jail sentence under the Tsar's régime for a political offense, and several of them have been sentenced as many as seven times. In the Moscow Soviet, which wields more influence than any other in Russia, in February, 1920, out of 1532 representatives, 23.9 per cent had been tried for political activity, 87 as many as three times each; 19.2 per cent had been imprisoned; 7 per cent had been deported; and 1 per cent had been sent with the criminal work crews to Siberia. These men were the products of Tsaristic aggression, and as they came to put their theories to the test, soon saw the need for modification. It was apparent that they could not long remain in power unless they could secure sufficient production to meet the needs of the people. Just as all human effort has been guided by trial and error, so the Bolsheviks were bound to try out their theories, then, learning by the results of the reaction, to change their methods. Today we find that the Bolsheviks, except for phraseology and desire for world revolution and foreign propaganda, are rapidly approaching the other nations of Europe in their methods.

Relations with the Allies.—Ever since the Allies awoke to find the dreaded products of the Tsar's régime, Lenin and Trotsky, in power, they have been trying to explain the phenomenon. Not understanding all the social forces that had produced this coup on the part of the Bolsheviks, Allied representatives attempted to account for it by the "German Agent" theory. As was to be expected of two groups so totally dissimilar to each other as Russia and the rest of Europe, war and blockade followed. What was this but a consequence of unlike groups reacting toward each other? This is clearly seen in the attitude of the Bolsheviks in their press, toward the so-called capitalistic countries, and in the attitude of our press toward the Bolshevik system. Each not only points out every discernible weakness but violently denounces the other in terms which

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are far more derogatory than accurate. Granted that the Bolshevik theories are impracticable, the statements of our press have been confused, misleading and often false. From November, 1917, on, the press of the world has been flooded with a mass of conflicting stories of fact and fiction about the theories held by the Bolsheviks and the conditions created by them. Society always centers its attention on the spectacular phenomena which every one recognizes as unusual, instead of attempting to understand what produced them. The Bolsheviks have been treated to a mass of denunciation and hatred, giving them more free advertising in a shorter time than has been enjoyed by any other group seizing power of which we have record. In reality the Bolsheviks are as much the victims of their social environment and the social factors at work in the Tsar's Empire as is a chemical compound the result of the elements of which it is composed. The fact that we have been shocked by some of the real or alleged crimes attributed to the Bolsheviks, does not change the underlying sociological causes which produced them. What scientist would dare assert that had he been one of a group whose liberties and initiative were impinged on, curbed and suppressed by the social heritage of a Tsar's tyranny, he himself might not now be in the Bolshevik ranks? Instead of centering our attention and denunciations on the Bolsheviks themselves, we should rather have tried to understand what produced them.

One sociological lesson which the Bolshevik revolution teaches is that wherever ninety or more per cent of the people are separated from the governing and ruling classes by walls of social custom, training, economic privilege and life experience, there must be the possibility of social explosion. In the United States we already see the faint beginnings of such a situation. In our great business processes, the iron and steel industry, for example, we have over one hundred thousand workers, cut off from their masters, the steel magnates. Such a keen student of labor as Whiting Williams, after first-hand study, concludes that the ignorance of both the worker and the employer about each other is astounding. "To each the other stands as the X in the equation of the factory organization."

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Fortunately there are those in America who have already sensed the danger. Another lesson for us in our relationship with Russia should be not less apparent. If we isolate her, blockade her and refuse to have anything to do with her people, there will be mutual and growing misunderstanding. On the other hand, if we encourage the exchange of goods, send in our technical experts, provide food relief and educational help, we shall break down suspicion and misinformation and help to make the American and Russian people more tolerant of each other and consequently a little more likeminded.

The Future.—It is impossible to predict the future course of the Russian revolution because it rests on a number of variables. How far the Bolsheviks will progress will depend to some extent on how actively they push education, insure justice, and permit the play of individual initiative. Will they, for instance, allow the wills of individuals and minorities who differ from them to function constructively? Their attitude in a period of civil war and foreign intervention is hardly a fair test. America's own experience with free speech during the war was not in accord with our democratic tradition.

Certain definite things about the Russian revolution, however, are predictable. In the first place, the Bolsheviks cannot permanently remain in power if they build up a wall between themselves and the mass of the people. To some extent they have done this already. If the Communist Party becomes in its turn separated from the peasants and unresponsive to them, it can only remain in power by means of an adequate machine of governmental pressure. If, however, the Bolsheviks are willing to change their theories to meet the demands of the population and the needs of the situation, they may retain the government for a period of years. The bulk of the population has so long been forced to submit to the strong pressure of a Tsar's autocracy that they are far more docile than almost any other race in Europe. These three years of rule have already demonstrated that the Bolsheviks can easily build up and maintain a strong circumstantial pressure against revolution. If, in addition, the Bolsheviks can keep open the lines of intercommunication, interstimulation and response between the Com-

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munist Party and the masses of the people, regardless of whether they rule in a more or less autocratic and dictatorial fashion, they may have a chance to remain in power, for in that case the majority of the people would not be so far removed but that each could mutually understand the other. There will be a certain amount of likemindedness existing between the rulers and the ruled. If this be true, it may be that the future in Russia for a long time to come will be one of slow evolution rather than dangerous and damaging revolution.

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SOME LEADING PHASES OF THE EVOLUTION OF MODERN PENOLOGY[1]

I. The Development of Penology in Recent Times as a Phase of General Social and Intellectual History

IT is probably apparent to all thoughtful students of the progress of penology in modern times that its advance has been a product of the general growth of scientific knowledge concerning the individual and his social relationships. If it has shown a tendency to lag behind certain other phases of general intellectual progress, this has been because it is connected very closely with both ethical and metaphysical assumptions and legal concepts and processes which inevitably retard the free and natural progress of thought and procedure. A few examples of this intimate dependence of penological development upon the progress of thought and science in modern times will be sufficient to illustrate this introductory consideration.

Modern biology, for example, has made clear the characteristic animal traits which man has inherited from his ancestors and has opened the way for an understanding of the difficulties inherent in attempting to keep this primitive equipment controlled by modern laws and institutions. It has called attention to the frequent occurrence of organic defects in the criminal personality, which are an important cause of his criminal behavior, and which may, through ill-controlled heredity, lead to a transmission of these menacing defects to a multitude of descendants. It has also made plain the necessity of incarcerating the prisoner under healthful conditions, if any effective effort at reformation is to be hoped for.

Equally significant has been the growth of scientific knowledge in the field of psychology. This has utterly destroyed

[1] Eighth Annual Stuckenberg Lecture at Pennsylvania College, February 14, 1922.

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the old notion of the criminal as a "perverse free moral agent," and has led to the analysis of the nature and significance of "criminal behavior." It has pointed out the psychopathic trends and characteristics in the disposition or mental constitution of the typical criminal. It has, at the same time, destroyed forever the belief that the criminal class is a uniform type, and it has made clear the necessity of differentiation in the study and treatment of the offenders against the law. It has proved to the satisfaction of all scientifically minded persons the utter hopelessness of attempting to reform a certain very considerable group of low-grade psychopathic criminals, and has demonstrated the necessity of a permanent detention and segregation of this type in the interest of social protection. But it has also made it equally apparent that the majority of the remaining element in the criminal class can be restored as safe members of society when they are subjected to proper educational and therapeutic treatment, according to the principles of modern psychiatry. More than this, it has aided the courts in providing a more scientific technique for detecting and convicting the criminal. The work of Hans Gross and Hugo Munsterberg is sufficiently well-known to illustrate this field of psychological activity in its relation to criminology and criminal jurisprudence.

Nor have the natural sciences and the psychological sciences been alone in advancing penological concepts and methods. Sociology has shown that a criminal act is relative in the matter of its concrete form—what constitutes a heinous act in one society being an act of supreme virtue or real heroism in another. But it has shown that in all societies a criminal act has at least one uniform implication and significance, namely, that it is anti-social. This leads to the sociological theory of punishment and reformation. Punishment is regarded as the penalty exacted by the group for the violation of the rules prescribed for individual conduct within its limits. The basis for punishment must be social defense, and this may be achieved by securing the life-long segregation of the permanently unfit and degenerate and by the reformation of the reformable element. Finally, the sociologist insists that reformation must

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consist in preparing the convicted person for a normal type of socialized existence, and realizes that this can only be brought about by a system of social education during the period of incarceration and conditional release, and will only be obstructed by placing the individual in an environment widely different from that which exists in the daily life of the citizen. He realizes that any such procedure as solitary confinement or vindictive discipline will invariably result not in reformation, but in further deterioration of an already imperfectly developed personality. These are only a few of the more conspicuous aspects of the contribution of some of the phases of modern science to a more rational attitude towards crime and the treatment of the criminal.

II. Changing Concepts and Attitudes Respecting Crime and the Criminal

This is not the place to attempt an historical survey, however brief, of the evolution of present-day notions with respect to crime and the criminal, but it may be helpful to summarize the chief transformations in the attitude of society towards crime and the criminal class, as the logical introduction to the history of penal institutions and methods in modern times. In primitive society such acts as now fall under the head of criminal conduct were rather sharply divided into two general classes. Public crimes, or those which were punished by the group, consisted of such infractions of the *mores* as were believed to threaten the safety or prosperity of the whole group, such as violation of taboos, treason and sacrilege. These only were a matter of concern to the whole society and punished by its public agents. Private crimes, or those which involved injury or wrong to an individual, such as murder, assault or theft, were settled by the relatives of the interested parties according to the method of blood-feud. This extremely temporary, expensive and imperfect method of settling disputes and wrongs was soon superseded by the duel, or trial by battle, the ordeal, compurgation and compensation, all supervised by the elders or leaders of the group. In this way even the private crimes gradually came to be regarded as matters of common concern

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and were generally assimilated to public crimes under the single category of proscribed actions.

With the growth of the national state and royal absolutism, crime, as a menace to the public order, came to be regarded as an infraction of the "King's Peace," and its repression was brought under the control of the appropriate organs of the early state. The political and legalistic conception of crime prevailed for several centuries, but with the development of the modern sociological outlook there has come a tendency to view it as something more than a personal offense against the monarch or his symbolic power, or against the laws of the realm, namely, as an act which violates those institutions and practices upon which the integrity of the existing social order depends. As Arthur Cleveland Hall has made clear, the progress of civilization and the onward march of social evolution, with the ever-increasing volume and complexity of social relationships, have tended to increase the number and the types of acts which seem to threaten the social order and are, therefore, branded as criminal.

The attitude of society towards the criminal has undergone a parallel transformation. It has passed through exactly what Comte regarded as the stages of the mental evolution of humanity—the theological, the metaphysical and the scientific. In primitive and early political society the criminal was believed to be possessed by an evil spirit. Later he was viewed in a sort of metaphysical sense as a "perverse free moral agent." Finally, with the development of the scientific outlook, the criminal is now looked upon as a pathological unit of behavior, whose actions are determined by hereditary disposition and the experiences of life. The earliest scientific form of interpretation of the pathological behavior of the criminal was set forth by the group of anthropological or somatological theorists, mainly Lombroso and his followers, who believed that the typical criminal exhibited gross forms of physical defect and biological reversion. While careful students of criminal science have not been generally disposed to reject in their totality the views of Lombroso, a continually increasing number of criminal scientists, from the days of Maudsley onward, have come to

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believe that pathological psychic traits are much more important in the production of the criminal mind than are mere physical defects. Lastly, the sociological student of criminal behavior emphasizes the part played by a defective life experience, leading to a maladjustment to the conditions of a properly socialized existence. But enlightened advocates of all of these three major modern interpretations unite in opposing the older metaphysical and legalistic view of the criminal as a "perverse free moral agent," deserving only the savage revenge of the society whose rules and institutions he has outraged. All agree that the criminal is as truly a patient for the care of the physician as is the victim of insanity or tuberculosis, and that the prison of the future must be regarded as a hospital for the isolation, treatment and cure of this class of diseased individuals. Of course, no scientific student of crime accepts the judicial test of criminality, but must hold that a large number of convicts are not, scientifically speaking, criminals, while probably a large minority of the criminal classes are never detected or convicted.

III. The Historical Methods of Treating the Criminal

In early society crimes against the public welfare were punished by summary execution of the culprit, by exile and outlawry, or by corporal punishment, according to the nature of the criminal act and the customary procedure of the group. Private crimes, avenged by kinsmen of the injured, were also punished in a variety of ways, most usually by death or enforced slavery, but as time passed and they were gradually brought under the supervision of the elders of the group for consideration, there developed the famous principle of *lex talionis*, or the often grotesque subjection of the convicted culprit to the identical treatment that he had given his victim, be it death or various forms of mutilation. When the state took over the function of dealing with crime it adopted these primitive varieties of retaliatory corporal punishment as the chief method of punishing criminals.

While prisons, or institutions for confining individuals, had existed in one form or another from the period of the preval-

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ance of cannibalism, imprisonment, as the typical method of punishing the class of law-breakers, was not generally adopted until the beginning of the nineteenth century. When employed at an earlier date it was made use of to confine political prisoners, heretics, those held for ransom and debtors, or to hold pending trial those accused but not convicted of crime. It is futile to attempt to state with exactness just the date at which imprisonment as a punishment for crime became more general than the older practice of corporal punishment; all that can be said is that during the latter half of the eighteenth century the prevailing method of punishment gradually but surely shifted in western Europe and the North American colonies from corporal punishment to imprisonment.

From the beginning, four aims or purposes have been avowed in imprisonment, namely, the revenge of society upon the culprit, the deterrence of others from the commission of crime, the segregation of law-breakers for social protection, and the reformation of the convicted individual. It has been only in recent years, however, that social protection and reformation have been regarded as the all-important aims of punishment, in general, and of imprisonment in particular as the conventional mode of contemporary punishment. The earlier notions of how reformation could be effected during imprisonment were exceedingly crude, naïve and unscientific, the most notorious example probably being the so-called Pennsylvania conception that it could be produced most efficaciously by solitary confinement in a gloomy cell during the total period of incarceration. From this early view of the matter the situation has gradually improved, until to-day it is understood that where reformation is possible under any circumstances, it must be achieved by a careful preliminary isolation, study and differentiated treatment of the individual offender, with the aim in mind of eliminating his psychopathic traits, and by a proper system of socialized education gradually adjusting him to a state of normal group conduct, thereby preparing him for a safe resumption of social relationships.

But just as the progress of science has revolutionized the aims and methods of imprisonment, so now it seems to be

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threatening the very future of the prison itself. Beginning with the incarceration within one structure of individuals of both sexes, of all ages, those accused and those convicted of crime, those convicted of the most petty and the most heinous of crimes, those sound of mind and those suffering from neuroses and psychoses, as well as idiots and various grades of feeble-minded, the institutions for the reception and detention of these classes have gradually been differentiated into institutions for the training of juvenile delinquents, reformatories for young adult offenders, separate institutions for the sexes among all classes of offenders, state hospitals for the criminal imbeciles and the criminal insane, and detention jails for those accused of crime. At the same time, there has grown up the practice of out-door treatment of the criminal class through probation and the suspended sentence, and conditional release from prison on parole. It would appear, then, that the prison is on its way towards ultimate extinction, except as a place for the permanent detention of the habitual criminal who defies all efforts at reformation, and that the prison is but another temporary episode in the history of society's experience in methods of repressing crime.

IV. The Development of Penal, Reformatory and Correctional Institutions

1. *The Origins of the Modern Prison*

As we pointed out above, it is a purely scholastic and insoluble question as to when imprisonment, as a form of repressing crime, actually began. But it is very easy to answer such a part of this question as has any practical significance. While prisons, as places for the holding of human beings in confinement, have existed since the days of primitive cannabalism, the prison, as a distinct institution for the confinement of persons convicted of crime, is an institution which has developed almost entirely within the last hundred and forty years. Down to about 1780, in both Europe and America, the jails or prisons existed primarily for the confinement of heretics and debtors or for the safekeeping of those accused of crime pending their trial. Such as were convicted were normally sentenced

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either to corporal punishment, or, as became common after the colonial expansion began, to deportation.

To speak with strict historical accuracy, the introduction of the notion of employing confinement within a prison, as the general method of punishing crime, was due to William Penn and the Quakers of West Jersey, who provided for a system of work-houses in the penal code they drew up in 1681. Four years later William Penn introduced the same system into his Pennsylvania colony. It is believed that Penn derived this novel practice, which he brought to West Jersey and Pennsylvania, from the English workhouse as employed in poor relief, and from his observation of the operation of the Dutch system of work-houses as applied to the treatment of youthful and aged paupers and vagrants. To this possible source of imitation there should, of course, be added the natural and inevitable tendency of any Quaker government to desire to avoid, as far as possible, the cruel and bloody types of corporal punishment then in vogue, and to substitute therefor a more humane method of treating the convicted offender. But, interesting as these early historic instances may be to the student, in neither colonial Jersey nor provincial Pennsylvania was this Quaker method of imprisonment employed with any degree of permanence or uniformity. Its only effect upon posterity was to furnish a respectable precedent to which Quakers could turn a century later when they were groping about to discover some method of improving the barbarous prevailing methods of treating the criminal.

The real beginning of the systematic introduction of imprisonment as the prevailing method of punishment of the delinquent came in the last quarter of the eighteenth century, being prepared by the moral revival led by Wesley and Whitfield, the humanitarism of the English and American Quakers, and the progress of rational and enlightened jurisprudence in the works of Montesquieu, Beccaria, Blackstone and Bentham. Between 1773 and 1791 John Howard not only did much to improve the condition of imprisoned debtors in England, but also made a very thorough study of similar conditions on the continent of Europe and brought back to England a vast

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amount of interesting penological information which served to interest and instruct his contemporaries. Twenty years after Howard's death a Quaker humanitarian, Elizabeth Gurney Fry, began her work among the horribly treated women prisoners in London. In this same generation following 1775 there were distinct advances in certain local English jails which definitely anticipated the modern prison system. Little could be done in England, however, to produce a prison system until, between 1815 and 1835, Romilly, Mackintosh, Peel and Buxton had succeeded in having repealed the barbarous English criminal laws and in securing a substitution of imprisonment for corporal punishment or banishment as the most approved method of dealing with the criminal. In the period of the first Revolution, France also made certain marked advances towards substitutions of imprisonment for corporal punishment. Yet, in spite of these European advances which have been mentioned, as well as certain earlier or contemporary progress being made in the Papal prison at Rome and that of Ghent in Belgium, the real center from which the modern prison and its accompanying system of discipline and administration has spread was the system introduced in Philadelphia by the Quakers following 1776.

In 1776 the Philadelphia Friends formed an association, entitled the Philadelphia Society for Assisting Distressed Prisoners, for the purpose of relieving the conditions of the debtors and accused persons confined in the jail at Third and High Streets. After the Revolutionary War this society was reorganized in the German School House at Philadelphia, as the Philadelphia Society for Alleviating the Miseries of Public Prisons. Between 1786 and 1795 the Society had secured the abolition of the barbarous criminal laws of Pennsylvania and the substitution of imprisonment for corporal punishment in the case of all crimes except murder. This necessitated the provision of a system of penal institutions which would make the confinement of the offender possible, and there was thus produced the modern prison. The Quakers derived their doctrines and reform proposals in part from the earlier precedents of Penn and his associates and in part from correspondence with Howard and other contemporary European reformers.

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The Quakers in this manner not only originated the general practice of prison discipline, but they also brought into being a system of prison discipline which has had a tremendous influence upon the subsequent history of penal administration and of the theory of penology. Struck by the filth and debauchery which were then to be observed in all of the so-called congregate or promiscuous jails of the time, they conceived the notion that the prevention of further depravity through evil association, as well as the probable future reformation of the culprit, would be most surely obtained through the solitary confinement of the convict in an isolated cell, where he might in solitude and at his leisure contemplate the evils of his past life, and be thereby led to resolve "in the spiritual presence of his Maker" to reform his future conduct. To provide such a beneficent moral environment the Philadelphia reformers were able to persuade the Pennsylvania legislature to remodel the Walnut Street jail in 1790–91, so as to permit of the solitary confinement of the worst types of offenders. With the growth of the population of the state it became necessary to provide more commodious penal institutions, and, in 1818–21, laws were enacted authorizing the erection of two state penitentiaries on the system of solitary confinement. The Western Penitentiary was opened at Pittsburg in 1826, and the Eastern Penitentiary at Philadelphia in 1829. This Eastern, or Cherry Hill Penitentiary, immediately became the world's most famous penal institution, visited by prison reformers from every point of the Western World.

The originators and defenders of the system of solitary confinement alleged that it possessed the following virtues: the protection against possible moral contamination through evil association; the unusual invitation to self-examination and self-reproach in solitude; the impossibility of being visited by anyone except an officer, a clergyman or a reformer; great ease of administration of the government and discipline; the possibility of an unusual degree of individuality in treatment; little need for disciplinary measures; the absence of any possibility of mutual recognition of prisoners after discharge; and the fact that the horrors of loneliness made the prisoners

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unusually eager to engage in productive labor, during which process they might be taught a useful trade, preparatory to their attaining freedom. But, whatever its incidental advantages, the element uniformly and most vigorously emphasized by the founders of the Pennsylvania system was the allegation that solitude was most certain to be productive of earnest self-examination and a consequent determination to reform.

Distinguished visitors from abroad came to view this new system of penal administration and to recommend with general success its adoption in their home countries. In the decade of the 1830's Sir William Crawford from England, Dr. N. H. Julius from Prussia and Frédéric Auguste Demetz from France came to Philadelphia and recommended the immediate adoption of the Pennsylvania system in their respective countries. In America, however, the Pennsylvania system was much less popular than it was in Europe. In spite of temporary adoption in other states, most notably New Jersey and Rhode Island, the Pennsylvania system made little headway in the United States. It was even abandoned by the state of Pennsylvania in the Western Penitentiary in 1869 and in the Eastern Penitentiary in 1913, though as a matter of fact, it had practically ceased to exist in the Eastern Penitentiary a half a century before it was legally and formally abandoned.

The reason for the relative lack of popularity of the Pennsylvania system in America was primarily the rise in this country of another and a rival system of prison administration, namely, the Auburn system of combined isolation and association which, owing mainly to the indefatigable labors of Louis Dwight, came generally to dominate American penal administration until its popularity was threatened by the introduction of the Elmira system a half-century later.

In spite of the fact that the Auburn system became the great historical rival of the Pennsylvania system, it was in reality but a derivative or variant from the Pennsylvania type of prison administration. Imitating the precedent of Pennsylvania by substituting imprisonment for corporal punishment, New York state reformed its penal code in the last decade of the eighteenth century and thereby created the necessity for a system of

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prisons. The older institutions proving so unequal to the task of housing the larger number of prisoners confined under the new method of punishment that by 1810 the Governor had to pardon as many prisoners annually as were committed, the legislature, in 1816, authorized the building of a new prison at Auburn. Between 1817 and 1824 the system of discipline here enforced alternated between the old congregate system and the solitary or Pennsylvania system, but, by 1824, under the guidance of Elam Lynds, Gershom Powers and John Cray, the Auburn system of solitary confinement by night and associated labor by day had come into existence. This type of discipline and administration was soon introduced in the new Sing Sing prison, and into the state prisons of Connecticut and Massachusetts at Wethersfield and Charlestown, respectively.

This method of prison discipline and administration was alleged by its supporters to be superior to the Pennsylvania practice because of the greater cheapness of erecting a prison on the Auburn plan; its greater adaptability to the economic advantages of associated labor and mechanical methods of manufacturing; and the fact that it did not render the prisoner liable to what the exponents of the Auburn system regarded as the deleterious effects, both moral and physical, of complete solitude. It was believed that the Auburn practice of complete isolation at night and of silent association during the day was ample both to provoke moral reflection and to prevent contamination through evil association. But it is doubtful if the advantages, real and alleged, of the Auburn system would have been sufficient to secure its remarkable success had it not received the vigorous support of the greatest figure in early American prison reform, Louis Dwight, the active and alert secretary of the Prison Discipline Society of Boston. Possessing a firm conviction that the Auburn system was incomparably the best that human ingenuity had as yet devised, he gave unsparingly of his own energy and made what at times bordered on an unscrupulous use of the authority and prestige of his Society in order to urge everywhere and always the adoption of the Auburn system. So well did his efforts succeed that for a half-century after 1830 the Auburn system of prison adminis-

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tration was practically identical with American penal institutions.

In spite of their great prestige and reputation and their undoubted historical significance in the evolution of penology, however, both the Pennsylvania and the Auburn systems must be regarded as important chiefly through having originated the modern prison. Neither marks more than the first crude step taken in the effort to render more humane and more scientific the treatment of the violator of the law. In spite of the exaggerated pretentions and claims of their supporters, both of these methods of prison administration lacked almost entirely the provision of those deeper moral, psychological and social impulses and motives which must lie at the foundation of any effective reformation of the offender. There can be no doubt that whatever claims have been brought forward to the contrary, neither system actually advanced the cause of reformation to any degree comparable to the part that it played in carrying out the other conventional aims assigned to imprisonment, namely, social protection, revenge or retaliation, and deterrence. It is to that series of progressive reforms which culminated in the Elmira system that one must look for the first appearance of any even moderately successful mechanism designed to supply the chief impulses which are necessary if it is hoped to create any wide-spread determination to reform in the minds of any large number of prisoners.

2. *The Origin and Development of the Elmira Reformatory System*

In his two works, *The Penitentiary Systems of Europe and America* (1828) and *The Theory of Imprisonment* (1836), that wise and progressive French penologist, M. Charles Lucas, had clearly taken the advanced position that a curative reformatory type of prison discipline ought to be substituted for the contemporary repressive prison system. It was a long time, however, before this aspiration was adequately realized. It was only achieved, and then imperfectly, in the Elmira Reformatory system introduced into New York State following 1870.

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A number of significant currents of reform in penology converged in producing this system. An important element was contributed by the new methods of prison discipline introduced in the British penal colony in Australia. Captain Alexander Maconochie came to Norfolk Island in Australia in 1840, and was able to bring about a tremendous improvement in penal methods by eliminating the old flat-time sentence and introducing the beginnings of commutation of sentence for good behavior. Every convict, according to the seriousness of his offense, instead of being sentenced to a given term of years, had a certain number of marks set against him which he had to redeem before he was liberated. These marks were to be earned by deportment, labor and study, and the more rapidly they were acquired the more speedy the release.

At about the same time the notion of an indeterminate time sentence was originated and given popularity through the writings of Archbishop Whately of Dublin, the Scotchman George Combe, and especially the English reformers, Frederick and Matthew Davenport Hill. Its supplement, the famous parole system, while anticipated by a number of other reformers, was most systematically and effectively advocated by the French publicist, Bonneville de Marsangy. Maconochie's system of determining the period of incarceration upon the basis of the behavior of the convict was combined with the notion of the indeterminate sentence and parole in the famous Irish system of prison administration, which was introduced by Sir Walter Crofton in the decade following 1853. To these earlier progressive innovations he added the practice of classifying convicts in graded groups, through which each convict had to pass before obtaining his freedom on parole, his advancement being determined by his conduct.

The notion of productive and instructive prison labor, which goes back to the Pennsylvania Quakers, was also developed by a number of progressive penologists during the second quarter of the nineteenth century, especially by Montesinos in Spain and Obermaier in Bavaria.

All of these liberal and progressive innovations, which have been all too briefly and casually mentioned above, attracted

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the attention of the leading American reformers, most notably Theodore W. Dwight and E. C. Wines of the New York Prison Association, F. B. Sanborn of Concord, Massachusetts, Z. R. Brockway, Superintendent of the Detroit House of Correction, and Gaylord Hubbell, Warden of Sing Sing Prison. All of these men prepared able, vigorous and widely read public reports or private monographs, urging the adoption of these advanced methods in the American prison system, but they were able only to secure the introduction of these innovations for the treatment of younger first offenders. A law authorizing the creation of such an institution at Elmira, New York, was passed in 1869, and the institution was opened in 1877, with Mr. Brockway as its first superintendent. A decent preliminary approximation to the principle of the indeterminate sentence was secured, and the inmates were divided into classes or grades through which they might advance to ultimate parole by virtue of good conduct, if they did not desire to remain in the institution for the maximum sentence.

The great advance which the Irish and Elmira systems mark over Pennsylvania and Auburn systems, was the fact that in these later types of penal discipline the term of incarceration was at least roughly made to depend upon the observable progress made by the prisoner on the road to ultimate reformation. It was, thus, a system which chiefly stressed reformation rather than either retaliation or deterrence. As far as its application in the United States is concerned, however, even this method of discipline possessed serious and grave defects. In the first place, it was scarcely at all introduced into the prisons which confined the adult offenders, thus not being applied to the great bulk of the prison population. In the second place, while it was based primarily upon the idea of effecting the reformation of the convicts, it failed signally to provide the right sort of psychological surroundings to expedite this process. The whole system of discipline was repressive, and varied from benevolent despotism, in the best instances, to tyrannical cruelty in the worst. There was little, if anything, done to introduce into the mind of the individual convict, or into the groups of the convicts generally, any sense of indi-

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vidual or collective responsibility for the conduct of the prison community, nor was any significant attempt made to provide any education in the elements of group conduct and the responsibilities of the citizen. There was little, if any, grasp of that fundamental fact which is basic in the newer penology, namely, that a prisoner can be fitted for a life of freedom only by some training in a social environment which bears some fair resemblance in point of liberty and responsibility to that which he must enter upon obtaining his release. Finally, there was no wide acceptance of the present position that the general body of delinquents cannot be treated as a single unified group. There was no general recognition that criminals must be dealt with as individuals or as a number of classes of individuals of different psychological and biological types that must be scientifically differentiated through a careful psychiatric study, as well as a detailed sociological study of their environment, preliminary to the major part of their treatment while incarcerated. These last conditions have only been very recently and very incompletely realized in systems of convict self-government, such as those which Mr. Thomas Mott Osborne has introduced, and in such careful psychiatric studies of the criminal class as were attempted in the psychiatric clinic introduced in the Sing Sing prison by Drs. Thomas W. Salmon and Bernard Glueck.

3. *The Progress of Differentiation in Institutions for the Treatment of the Criminal Classes*

One of the most conspicuous and significant phases of the progress of prison administration in the last century has been the development of a scientific differentiation in the institutions designed to treat the criminal class. In the early modern prisons which prevailed before the Pennsylvania and Auburn prisons came into existence, all alleged and real delinquents were herded together in one enclosure, generally in one room or group of rooms, containing accused and convicted, debtors and criminals, male and female, young and old, insane, idiotic and those of normal mentality, first offenders and hardened recidivists. The reformation of the offender was rendered hopeless at the outset under such conditions.

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The rise of the Pennsylvania and Auburn systems marked a great step in the way of progress. The accused were separated from the convicted, and separate portions of the prison were assigned to the male and female prisoners. The next step came in the erection of Houses of Refuge for young offenders, their condition in the prisons of the time naturally giving rise to much sympathy on the part of reformers. The historical background of their development is a long one. The origins of institutions for juvenile delinquents must be sought in the juvenile departments of the English work-houses of the sixteenth and seventeenth centuries. The movement reached its highest early development in Holland, where, by the seventeenth century, a famous system of such institutions for the neglected and delinquent youth had developed. From an observation of their operation William Penn is said to have derived in part his notion of imprisonment as a method of treating the criminal.

The beginning of the modern movement is normally taken to date from the building of the House of Refuge at Danzig, in 1813, under the direction of one John Falk. In London, also, similar institutions were developing, in part out of earlier progress there and in part from imitation of continental methods. The introduction of such institutions into the United States was due to the work of Professor John Griscom, a Quaker who traveled extensively in Europe in the early twenties and was struck with the importance of these "child-saving institutions." He brought back his impressions to New York City and Philadelphia, where they were appropriated by the reforming groups. The first House of Refuge for juvenile delinquents in this country was opened at Madison Square in New York City on January 25, 1825. It was built far north of the center of the city, in the hope that a century of municipal expansion would not disturb it. The second institution of the kind was opened in Boston in 1826, and the third in Philadelphia in 1828. But these were private institutions, though in part open to the use of the commonwealth. The first state institution for juvenile delinquents was opened at Westboro, Massachusetts, in 1847.

These early Houses of Refuge, however, were nothing more than prisons for young offenders. In neither architecture nor

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administration did they differ from the conventional prison, though an exception must be made in the case of the Boston House of Refuge, where, as early as 1831, Beaumont and De Tocqueville discovered the existence of a crude but real system of classification, promotion and inmate self-government. The origination of the more modern and humane method of handling juvenile delinquents in the cottage or family arrangement was due to the work of the French publicist and reformer, Frédéric Auguste Demetz. Looking upon the problem as a French judge, Demetz was shocked by the conventional method of handling juvenile delinquents. Aided by the Vicomte de Courteilles, a wealthy Touraine landholder, who gave Demetz the necessary farming land, the latter opened at Mettray in 1840, his first agricultural colony for juvenile delinquents administered according to the "Family system". His system spread rapidly, being first introduced into this country at the state reform school in Lancaster, Ohio, in 1855. But the family system of housing and administration, initiated by Demetz, was only a beginning in the right direction. Long hours and heavy work were prescribed for the inmates with the avowed aim of making them too tired to desire to play or engage in mischief. The progress has been a long and gradual one from these early "cottage institutions" to such a system as that of the George Junior Republic or that now practiced in such a reform school as the girls' institution at Sleighton Farms in Pennsylvania, where inmate self-government and an extremely close approximation to normal family life prevail.

The remaining step which has thus far been taken in differentiating penal institutions was introduced in the Elmira system mentioned above. Here provision was made for a class of first offenders midway in age between the juvenile and adult offenders. This specialization embodied in separating the younger prisoners marked a double differentiation, being not only one based on age, but also one which was founded upon the primary aim of reformation of inmates rather than chiefly incarceration and punishment, as in the prevailing type of prison.

The other major type of differentiation in institutions for treating the groups that were once incarcerated in the older

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prisons has consisted in removing from prison those classes that admittedly have no place in a prison system. Perhaps the first step was the removal of the debtors. To those who have read of Oglethorpe's foundation of an American colony to furnish a refuge for European debtors it may seem strange that as late as 1830 Louis Dwight could find a wide prevalence of imprisonment for debt in this country, being carried out under atrocious conditions. It was not terminated until the decade of the thirties, when humanitarian agitation and the democratic wave that brought Jackson to the presidency succeeded in abolishing this archaic and oppressive practice.

About the same time, there began a movement for transferring the insane and idiotic from penal institutions and poorhouses to the first crude hospitals for the insane. This important advance owes its origins almost wholly to the great work of Dorothea Lynde Dix, a name little known to-day, but one which is worthy to rank with any in the history of nineteenth-century philanthropy. For a generation following 1830 she labored incessantly in the cause of a better and more scientific method of handling the insane. She succeeded in getting reluctant state legislatures to appropriate sums for the establishment of the first hospitals for the insane in this country, and was also to some degree successful in getting the insane out of the prisons and almshouses and into these new hospitals. But the mechanism for effecting the transference was faulty, and it was not until long after her death that, at the very close of the nineteenth century, some progress was made in providing separate hospitals for the criminal insane. Only within the last decade, chiefly as the result of the work of H. H. Goddard and his associates, has there appeared any general recognition of the necessity of creating separate places for the care and treatment of the feeble-minded who have been guilty of a violation of the law. Finally, even the little that has been done in the way of a psychiatric study and classification of the criminal population, has, as Dr. Glueck has so convincingly demonstrated, proved the futility of hoping to treat even the classes which now remain in the conventional prison as a single group to be handled in a uniform type of penal institutions. Rather

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the present adult convict population requires a very careful psychological, biological and sociological classification, differentiation and treatment in a specialized set of institutions equally well diversified. There is little doubt that in the scientific prison administration of the future the agencies for dealing with the socially sick, or the criminal class, will be as varied and scientifically adapted to their work as are the agencies which are now provided to deal with the physically and mentally sick.

V. CERTAIN ASPECTS OF PROGRESS IN PENAL METHODS

1. *Special Attempts to Bring About the Reformation of the Convict*

One of the earliest and certainly the most obvious method of attempting to produce an effort at reform on the part of the convict was the provision of rewards for good behavior. The most crude and elementary type of such rewards was to offer special privileges and favors to "trusties" who had earned the confidence of the prison authorities through good behavior. A more systematic and scientific method was to allow the prisoner to earn an earlier discharge through excellent deportment. Perhaps the first example of this practice was adopted in the Auburn prison in 1817, but it appears to have been a local curiosity introduced chiefly as a method of speeding up the prisoners in the shops and not to have been particularly closely connected with any notion of producing a changed attitude in the criminal with respect to his social behavior. The significant introduction of the method of commutation of sentence for good behavior seems to have been the work of Captain Maconochie in Australia and of Walter Crofton in Ireland between 1840 and 1860. It was sporadically introduced into this country in the period following the Civil War. The next logical progressive step was the introduction of the indeterminate sentence and the conditional release on parole. This came into the United States in the Elmira imitation of the Irish system of Crofton, but was here applied only to youthful first offenders. So far as adult criminals were concerned, this country followed the irrational method of adopting the parole

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system long before it did the indeterminate sentence. The method of paroling prisoners spread gradually in the decade of the 90's and the following years, when it was applied in conjunction with the maximum and minimum sentence laws and the prevailing systems of commutation. Not until about 1910 did the indeterminate sentence begin to make its way at all systematically into American courts. It was then aided by efforts of the American Institute of Criminal Law and Criminology, in cooperation with local sympathizers in various states. But even at the present time a thoroughgoing indeterminate sentence scarcely exists in this country except by subterfuge. Probably it is best that such should be the case until more scientific and impartial machinery can be provided to operate so flexible an instrument as a completely indeterminate sentence. The parole system is widespread, but is rarely effectively enforced, because the states refuse to supply funds to maintain an adequate number of field workers to make the parole supervision at all effective. In many cases the parole system has meant nothing more than a general reduction of sentence for those whose behavior has legally entitled them to early release.

It is probable, however, that the most effective agency in advancing the cause of the reformation of the criminal has not been special rewards for good behavior, whether privileges while in prison or a shortening of the sentence, but rather the education of the prisoner for a normal life after his release. Perhaps the earliest type of education in prison administration was in the economic field. The exponents of the Pennsylvania system back in the 30's of the last century laid special stress upon the adaptability of their system to the teaching of a remunerative trade to each inmate. While trade instruction in prisons for adults has made certain sporadic progress in Europe, it has advanced but slightly in this country. Little has been done along this line here except in the reformatories, and even in these there has been a tendency to carry too far the element of high productivity in the shops, as at the Rahway Reformatory in New Jersey, or to go to the other extreme and develop a great trade school with no practical application, as at the

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Huntingdon Reformatory in Pennsylvania. Likewise the academic or literary education of adult prisoners, while present in some form in most American prisons since the middle of the last century, has rarely received any scientific and thoroughgoing application outside of the reformatories. In some of these, as at Rahway, it has reached a level of excellence not equaled by most of the public school systems of the country.

Probably more important than either economic or academic education is the social re-education of the prisoner, namely, the attempt to readjust the personality of the convict to the necessities imposed by a normal social life through supplying him, as far as possible while in prison, with the inward motives and the external social environment which are required to meet the conditions of the life of the ordinary citizen. While some faint anticipation of this step might possibly be detected in the Irish and Elmira systems, it is probable that the first conscious and comprehensive attempt to provide an effective system of social re-education is to be seen in the *Mutual Welfare League* and the system of convict self-government introduced by Mr. Osborne at Sing Sing. But Mr. Osborne's scheme possessed one fatal weakness, namely, that he attempted to apply it to the whole prison population, while it obviously could and should be applied only to those for whom there might be some decent probability of reclamation. What is yet needed is the establishment of psychiatric clinics at every prison, so as to make it possible to weed out at the beginning those hopeless defectives and degenerates whose reformation is obviously impossible and whose presence in any self-government scheme only lessens its effectiveness for those to whom it is legitimately serviceable. Yet even this is insufficient. A sociological study must be made of the social environment from which each criminal comes, with the end in view of attaining a better understanding of his past experiences and the type of treatment needed while in prison, as well as getting the proper information to aid in a thorough follow-up treatment after the prisoner has been released. Nothing could be more foolhardy than to terminate reformatory measures at the gate of the prison. It seems generally agreed that the penology of the future will demand as

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thorough after-care for the discharged prisoner as that which public hygiene now requires for patients discharged from the ordinary hospital or that which mental hygiene now prescribes for those returning from psychopathic hospitals.

2. *The Development of Prison Labor*

The history of the economic aspects of modern prison administration has not been more inspiring than the other phases of its development. The European situation is so varied and complicated that it must be passed by with the mere mention of the fact that Montesinos in Spain and Obermaier in Bavaria share with the Quakers of Pennsylvania the honor of having been the earliest advocates of productive labor as a part of a successful prison system. In general, the industrial phases of penal administration are far more highly developed in Europe than in America.

Our prisons started at the close of the eighteenth century either with no labor at all, or else with merely the crudest forms of tasks, such as breaking stone, grinding meal, or even manipulating a treadmill. With the development of the merchant capitalists in this country in the 1830's, there arose a demand for prison labor, and these men very generally contracted for the services of such convict labor as they desired, according to the "lease" system, whereby they took complete charge of the prisoners during working hours. This method became remarkably popular during the period of abnormal demand for prison labor in the Civil War. This crude lease system obviously possessed certain oppressive features, and it was gradually supplanted by the so-called "piece-price" variety of the contract system, according to which the contractor did not lease the bodies of the convicts, but agreed to pay for the product of their labor at a stipulated price per piece. Where willing contractors did not exist or where their methods were obnoxious, the "public-account" system was introduced, and the products made by the prisoners were sold by the state agents in the public market. But, after the rise of the labor organizations in the 70's, violent opposition to convict labor arose on the part of the laborers outside the prison walls. Prison labor was

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branded an unfair type of competition, and free labor demanded a cessation of both the contract and public-account systems. Where the labor organizations were strong they either brought about the abolition of practically all prison labor, producing great suffering on the part of the prison population, as in Pennsylvania since 1897, or forced the states to adopt the "state-use" system, in which prison-made products were not sold to the public at all, but were used in various state institutions. More recently the progress of a more liberal attitude towards the criminal has allowed him to be employed outside the prison on roads or public improvements, and in this way there has developed that variant of the state-use system known as the "public works and ways" system. Particularly significant has been the recent movement to purchase large prison farms and to put the convicts at agricultural labor. Some feeble beginnings have been made toward instituting a system of compensation or wages for convicts.

3. *The Sterilization and Segregation of the Feeble-Minded and Idiotic Classes and the Habitual Criminal*

Owing to the alarming increase of these classes and their special menace to the community, much of the best social investigation in recent years has been devoted to a study of the defective and degenerate elements in the general population. A number of classic investigations of congenitally defective and degenerate families by Dugdale, Goddard, McCulloch and Blackmar have revealed, with a wealth of incontrovertible evidence, the disastrous results which attend the promiscuous and unrestricted breeding of defectives and degenerates. The general dissolution of the theological view of the causation of defective and degenerate personalities and the development of the scientific knowledge regarding the transmission of congenital defects has at last indicated the only possible method of ridding society of this small but ever-increasing degenerate element, from which an overwhelming proportion of the paupers, criminals and other social derelicts are recruited. The sole manner of procedure whereby this class can be speedily eliminated, before it becomes so large as to drag down the normal population

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in a common destruction, is to segregate or sterilize all of its members. The former expedient, while arousing less traditional resistance and opposition and essential with females, is attended with great expense, and the much simpler and more humane method of sterilizing those male members of the defective class that can be safely trusted outside of an institution has of late met with great favor among biologists and physicians. If this policy were systematically pursued it would be a conservative prediction to state that in fifty years the defective and degenerate classes would virtually disappear and the criminal class be reduced more than one-half. Most states have begun to make some pretense at custodial segregation of the worst types of the idiotic and the feeble-minded, and sixteen, following the Indiana precedent of 1907, have legalized the sterilization of the hopelessly defective and the habitually criminal, but the law has not been applied with any thoroughness except in California. The plan suggested by McKim of painlessly exterminating the idiotic, hopelessly insane and habitually criminal classes is probably as remote from practical adoption as it is wise and desirable.

4. *Probation and the Non-Institutional Care of Delinquents*

The beginnings of the non-institutional care of delinquents may be traced to the ticket-of-leave or parole system, which originated in the middle of the nineteenth century and has come to be a cardinal feature of advanced penological theory and practice. This, however, merely made possible the removal of the convict from imprisonment during the latter portion of his term and in no way attempted to do away with imprisonment altogether. With the gradual growth among careful students of penology of the conviction that in many, if not in most cases, the convict issues from prison a worse character than he was upon entry, especially in the case of young first offenders, there has arisen a determined movement to secure the introduction of a system of suspended sentence and probation, to be applied to those first offenders and others, who, it seems reasonable to believe, can be most effectively treated outside of a penal institution. As has been the case with nearly all of the radical in-

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novations in penology, this progressive practice was first applied to juvenile delinquents, especially in connection with the creation of a juvenile court system in the more advanced municipalities of the country, a movement which originated in Rhode Island, Illinois and Minnesota in 1899, and in which Judge Benjamin B. Lindsey of Denver was a pioneer and the most picturesque figure. Forty-seven states now have juvenile probation laws. As has been the case with almost every progressive prison-reform practice in the past, so with probation its application to juvenile delinquents was soon followed by its introduction into the methods of treating adult delinquents not convicted of major crimes. At the present time, some thirty-five states now have probation systems which are applied to adult delinquents with a greater or less degree of thoroughness. Massachusetts, New York and New Jersey have led in this practice. Only in connection with the probation department of the Philadelphia municipal court under the direction of Chief Probation Officer, Louis N. Robinson, has any notable progress been made in Pennsylvania, but here the prospects for a successful application of the principle of the suspended sentence and probation to delinquents are unexcelled in this country. Whatever the shortcomings at the present time, there can be no doubt that it will come to be one of the vital features of the penology of the future.

5. *Differentiation in the Type of Institutions Designed to Deal with the various Types of Adult Convicts*

The tendency to differentiate institutions receiving those convicted of crime seems designed to pass through another stage, after having gone through the elementary step of providing separate institutions securing a differentiation of convicts on the basis of age, sex, degree of criminality and gross mental qualities. There is general agreement among students of criminology and penology that the institutions dealing with adult convicts not adjudged insane by the court, must be differentiated upon the basis of both the stage of the treatment of the convict and the special characteristics and aptitudes of the chief groups of convicts. Such a system would call for a reception

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prison, where preliminary study and classification could be carried on by biologists, psychiatrists and sociologists, and where the economic capacity of the convicts could also be ascertained. On the basis of such a preliminary study of the convicts received, there could be a scientific ascertainment of the next stage in their disposition. Industrial prisons, of at least two different types, should be provided, as well as prison farms and arrangements for employing the convicts on roads and other public works. Provision must be made for gradual increase of liberty and self-control on the part of the convict before he is allowed to be released on parole. Most of the defects of the parole system in the past in this country have been due to the fact that prisoners have been kept under tyrannical discipline and then suddenly turned out without the slightest restraint. On the other hand, the state must be prepared to keep perpetually in custody that portion of the convict body which is revealed by investigation to be biologically, psychologically or sociologically permanently unfit to be at large. When such a system has been worked out the prisons will probably have disappeared, in fact as well as in name, and we shall have in their place social hospitals designed to treat the socially sick—namely, the so-called criminal class.

6. *Some Essential Changes in Criminal Jurisprudence*

It is a fact well recognized by criminologists and penologists that any fulfilment of their progressive plans for reform must wait upon a radical reconstruction of our criminal law and criminal procedure. Our legal system for ascertaining guilt and dealing with the criminal is founded entirely upon medieval metaphysical and theological presuppositions, which antedate wholly modern biological, psychological and social science. The criminal is proceeded against as "a perverse free moral agent" and the court is charged with wreaking upon him the vengeance of society. For the average criminal the law recognizes no biological, psychic or social fact in the causation of the crime nor any biological, psychic or social condition of the criminal, when administering the sentence. The crime and not the criminal is what is theoretically punished, and the effort has

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been made in a crude and unscientific way to adjust the penalty to the crime, the possibility of which modern criminology and penology utterly denies. Further, the jury system renders the ascertainment of guilt difficult if not impossible. At least, one may say that it is little more scientific than the ancient ordeal and trial by battle and the element of chance involved is quite as large as in these outgrown practices. The jury system renders null and void most of the laws of evidence and other safeguards of legal procedure, and destroys the whole machinery of justice by submitting the final decision as to guilt to a group of utterly untrained and usually quite unfit men, singularly responsive to rhetorical arguments by opposing counsel. Little is needed to condemn the jury beyond an honest examination of its historical development and its obvious and palpable legal, psychological and sociological defects and absurdities.

In the place of this anachronistic scheme of criminal law and criminal procedure, the criminologist and penologist of today would introduce a permanent body of experts drawn from the law, biology, psychology, sociology and economics to examine the evidence against the accused and to determine his guilt. There would be no flat sentence, but rather a truly indeterminate sentence, which would allow the convict to be properly studied, classified and treated under the supervision of another body of administrative experts in institutions for the treatment of convicts. Only such a body is competent to determine when a convict is fitted for freedom or to prescribe the treatment which can lead to any hope of differentiating and reforming the convict. It may well be conceded that such a system of criminal procedure and jurisprudence and penal administration is remote from enactment and popular acceptance, but this very remoteness is the measure of the time which must elapse before we can achieve anything like a scientific method of ascertaining guilt or treating and reforming those adjudged guilty of violating the basic legal rules of the social order.

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* This work by Professor Robinson, which has just appeared, is by far the most useful synthesis of the history of modern penology.

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PROPORTIONAL REPRESENTATION IN AMERICAN CITIES

IN 1920 the proportional representation provisions of the Kalamazoo charter were declared void by the Michigan supreme court.[1] Similar provisions of the charters of Sacramento, California, and of Cleveland, Ohio, are being subjected to judicial review in those states.[2] It is not my intention to discuss in detail the superfinical point of law that is involved in cases of this kind. A word or two is sufficient. The Michigan constitution declares that "in all elections [a qualified voter] shall be an elector and entitled to vote" and that "no city or village shall have the power to abridge the right of elective franchise."[3] Put in briefest compass the point scored by the Michigan court was that the Kalamazoo scheme of proportional representation operated to "abridge" this right, because the "right of franchise" means the right to vote for *all* the officers voted for in, or elected from, the voter's political district, and the only district known to the law is a "geographically defined representative district." The voter could be limited to voting for one candidate where one alderman was elected from each of seven wards. But he could not be limited to having his ballot counted for only one candidate where seven aldermen were elected at large. Such reasoning is so manifestly jejune that one can scarcely avoid the conclusion that the court was in fact largely influenced by something more simple; to wit, by a

[1] Wattles *ex rel.* Johnson *v.* Upjohn, 211 Mich. 514 (1920). See also on the constitutional questions involved Maynard *v.* Board of Commissioners, 84 Mich. 228 (1890), where a law providing cumulative voting for election to the state legislature was declared void. Preferential voting, not however involving proportional representation, was declared void in Brown *v.* Smallwood, 130 Minn. 492 (1915) but was upheld in Orpen *v.* Watson, 93 Atl. (N. J.) 853 (1915). It was considered also in State *v.* Portland, 65 Ore. 273 (1913). But the Oregon constitution expressly authorized preferential voting.

[2] In California, appeal has been taken to the supreme court from a decision of the superior court sustaining the charter provisions.

[3] Art. III, sec. 1; Art. VIII, sec. 25.

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quite understandable aversion to this particular kind of political novelty. Said the court:

An actuary, mathematically skilled in the application of the doctrines of chances to financial and other affairs, might work with confidence upon the possibilities of this system, but to the non-expert there is force in the *dictum* of the *Maynard* case that it appears "too intricate and tedious to be adopted for popular elections by the people". To the average elector the destiny of his vote is a mystery, however easy it may be for him to follow instructions in marking his ballot. In abridging the right of elective franchise as pointed out, we conclude that the election method prescribed in section 183 of the charter is in contravention of the state constitution and invalid.

But proportional representation is ceasing to be a novelty. Adopted in Denmark in 1855, it made some gains among the countries of continental Europe during the latter half of the nineteenth century and in various parts of the British Empire during the earlier years of the twentieth century. Since the world war it has made its most rapid strides both in and out of Europe.[1] With this impetus it is practically certain to make

[1] In one form or another it is in use in Denmark, Holland, Belgium, Switzerland, Finland, Italy, Germany, Jugo-Slavia, Czecho-Slovakia, Austria, Greece and Poland. Under the British Representation of the People Act of 1918 it is used in the election of the eleven university members of the Commons. This Act also proposes to apply the scheme to one hundred parliamentary seats; but this provision has not yet been put into effect. According to the *Proportional Representation Review,* October 1921, Supplement, the Hare system of proportional representation is used for the election of representative bodies in the following places among English-speaking countries: Tasmania (1896—Part of Parliament, 1907—Parliament); So. Africa (1909—Senate and some cities of the Transvaal); Transvaal (1914—City Councils); Ashtabula, Ohio (1915—Council); New Zealand (1915—Legislative Council, optional for Cities); Sydney, Australia (1916—Council); Durban, So. Africa (1916—Council); Calgary, Alberta (1916—Council); Boulder, Colorado (1917—Council); British Columbia (1917—optional for City Councils. Since adopted by Vancouver, Victoria etc.); Great Britain (1918—eleven seats in Commons); Scotland (1918—School Boards); Sligo, Ireland (1918—Council); New South Wales (1918—Legislative Assembly); Ireland (1919—County and Municipal Councils and other Local Boards); Winnipeg (1920—Council); Manitoba (1920—Winnipeg Members of Legislature); Saskatchewan (1920—optional for City Councils). Since adopted by Regina, Moose Jaw, Saskatoon, and North Battleford; India (1920—some members of the Legislative Assembly and

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headway in the United States, notwithstanding possible retardment by the courts.

As a subject of discussion, polemic and otherwise, proportional representation is already venerable. Reams have been written about it. Innumerable schemes have been proposed for accomplishing its purpose.[1] Indeed little that is really new remains to be said. Nevertheless it is a subject that is not widely comprehended. It is not even easily comprehended. For, simple as many of the schemes are, its principles and purposes are inevitably intricated with its mechanics. It is perhaps worth while, therefore, briefly to review its history in the United States, to explain the principles that underlie the mechanics of the American scheme of the hour (the so-called Hare system or system of the single transferable vote), and if possible tentatively to assess its value as an instrument of our democracy—especially of our municipal democracy. For in the United States proportional representation is making its chief appeal to cities.

Even to the casually wary it is unnecessary to cite numerous illustrations of the results that obtain in our usual nonproportional representation elections. These results are a matter of common knowledge, being in point of fact simply a matter of common fractions. Take, for example, the New York aldermanic election of 1921. There were sixty-five seats to be filled. Approximately six hundred thousand votes were cast for Democratic candidates; and fifty-one seats were filled. Nearly four hundred thousand votes were cast for Republican candidates; and only thirteen seats were secured. The Socialists cast something over one hundred thousand votes and obtained not a single seat. In exact proportion to the votes cast, the Democrats should have had thirty-five seats, the Republicans twenty-

other legislative bodies); Ireland (1920—Parliaments of North Ireland and South Ireland according to Act of British Parliament); Sacramento, California (1920—Council); West Hartford, Conn. (1921—Council); Malta (1921—House of Assembly and General Members of Senate).

[1] For a discussion of some of them see Humphrey, *Proportional Representation;* Commons, *Proportional Representation;* Williams, *The Reform of Political Representation.*

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three and the Socialists six. The figures do not clearly indicate where the sixty-fifth seat should have gone.[1] In this case it was the majority who secured over-representation. But sometimes it is the reverse. Indeed, the possibilities of vagarious results are almost limitless. Occasionally an actual minority draws a majority of the seats.

More than fifty years ago (1871) a "Committee of Seventy", appointed at a mass meeting held in the city of New York following the exposure of the Tweed scandals, drafted a charter for New York which sought to provide for minority representation in the board of aldermen by a scheme of so-called cumulative voting. Nine aldermen were to be elected in each of five districts, each voter being empowered to vote nine times for a single candidate or to distribute his nine votes among several candidates. This charter, enacted by the legislature, was vetoed by Governor John T. Hoffman on the ground, among other objections, that in his judgment this scheme of election was in violation of provisions of the constitution of the state of New York.[2] In the New York charter revision of 1873, however, provision was made for a scheme of limited voting. Three aldermen were elected in each of seven districts, no elector being permitted to vote for more than two, and seven aldermen were elected at large, no elector being permitted to vote for

[1] The following table is based upon unofficial figures published in the *New York Times* of November 10, 1921. The "Fusion" party indicates the union of Republicans and Democrats against the Socialists in the 50th district, Brooklyn.

Party	*Votes*	*Seats Won*	*Seats in Proportion to Votes*
Democratic	599,646	51	35.3—
Republican	391,772	13	23.0+
Fusion	6,875	1	0.4+
Socialist	106,548	0	6.3—

[2] Lincoln, *Messages of the Governors of New York*, vol. VI, p. 453. The Committee of Seventy thereafter memorialized the State Constitutional Commission of 1872-73 to propose a constitutional amendment authorizing the legislature to provide "some plan of minority or proportional representation" for the election of members of city councils and county boards. *Journal of the Constitutional Commission, 1873*, pp. 18-20.

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more than four.[1] This plan of limited voting was in operation for nearly ten years when the plan of single member districts was reintroduced.[2] So also the plan of limited voting for members of the upper chamber of the council was introduced in Boston in 1893. Twelve aldermen were elected at large but no voter could vote for more than seven candidates. This plan was abolished in 1899, but a somewhat similar plan was reintroduced in 1903. This in turn was abandoned in 1909.[3]

In the early seventies of the last century cumulative voting for the election of councilmen was introduced in the borough governments of Pennsylvania and in Wilmington, North Carolina; but both experiments were short-lived.[4] The principle of cumulative voting was applied by the Illinois constitution of 1870 to the election of members of the lower house of the state legislature.[5] In 1883 it was provided by law that any city

[1] Laws of New York, 1873, p. 335.

[2] Limited voting for aldermen was continued in force by Laws of New York, 1874, ch. 515, and *ibid.*, 1878, ch. 400. It was abolished by Laws of New York, 1882, ch. 403. Limited voting had also been tried in New York City for the election of a board of ten governors of the almshouse under Laws of New York, 1849, ch. 246, abolished by Laws of New York, 1850, ch. 510; and for the board of supervisors of New York County under Laws of 1857, ch. 590, and for the New York City board of education under Laws of New York, 1869, ch. 437, abolished by Laws of New York, 1871, ch. 574.

[3] Acts and Resolves of Massachusetts, 1893, ch. 473. *Ibid.*, 1898, ch. 554, required every political party to nominate a full quota of twelve candidates. *Ibid.*, 1899, ch. 355, abolished limited voting in favor of election by districts. *Ibid.*, 1903, ch. 426, provided for the election of thirteen aldermen at large and required every party to nominate only eight candidates. *Ibid.*, 1904, ch. 404, required nomination by districts and election at large of thirteen aldermen, and limited the voter to voting for seven candidates. *Ibid.*, 1909, ch. 486, abolished this system and established a single chamber of nine members elected at large, three annually.

[4] Laws of Pennsylvania, 1870, p. 343, applicable to the borough of Bloomington. *Ibid.*, 1871, p. 283, applicable to all boroughs. This act was repealed three years later. *Ibid.*, 1873, p. 53. Laws of North Carolina, 1871-72, p. 139, applicable to Wilmington. This act was repealed three years later. *Ibid.*, p. 462. Limited voting for city magistrates in Philadelphia and for judges of the supreme court of Pennsylvania is provided by the Pennsylvania constitution of 1873, Art. V, Secs. 12, 16.

[5] For an excellent discussion of its results see Blaine F. Moore, *The History of Cumulative Voting, Minority Representation in Illinois, 1870-1919*, revised edition, University of Illinois Studies in the Social Sciences, vol. VIII, no. 2, 1919.

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of Illinois operating under the general act for cities or villages might, upon a referendum, apply the plan of cumulative voting in the election of city councilmen.[1] The law provides that three aldermen shall be elected in each of not less than two nor more than six districts or wards, and that "each qualified voter may cast as many votes as there are aldermen to be elected in his district or may distribute the same or equal parts thereof, among the candidates, as he shall see fit and the candidate highest in votes shall be declared elected." At least one city, Rockford, adopted this plan of minority representation; but most cities in Illinois have ignored the option extended by this law.

Largely because of the overwhelming predominance of the Democratic party in the city of New York, agitation of a mild variety for the application of some plan of proportional representation to the election of aldermen in that city has continued. The commission which framed the charter of the greater city in 1896 declared it to be a source of sincere regret that "under the constitution of the state as it now stands, it has appeared to be impossible to provide for minority or proportional representation in the charter of Greater New York without making a vital part of the charter depend upon a provision of uncertain constitutionality." The Charter Commission of 1900 concurred in this view of the first commission and advocated a constitutional amendment authorizing the legislature to provide for proportional representation in municipal councils. The Charter Commission of 1907 repeated this request for the submission of a constitutional amendment. Such an amendment has never been adopted by two successive legislatures in New York and therefore has never been submitted to the electors.

In 1915 the city of Ashtabula, Ohio, adopted a charter which provided for city-manager government and for the election of the council by the Hare or single transferable vote system. A similar system was adopted in the little city of Boulder, Colorado, in 1915, in Kalamazoo, Michigan, in 1918, in Sacramento, California, in 1920, and in Cleveland, Ohio, in 1921. As

[1] Laws of Illinois, 1883, p. 56. *Ibid.*, 1911, p. 48, allowing any city which had adopted the plan of cumulative voting to abandon it upon a referendum vote.

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already stated, however, the provisions of the Kalamazoo charter were declared void.

The mechanics of proportional representation under the scheme of the single transferable vote may perhaps best be explained by quoting the pertinent provisions of one of these recent American charters. The Cleveland charter of 1921 [1] requires that the ballot shall contain the following directions to the voter:

> Put the figure 1 opposite the name of your first choice. If you want to express also second, third and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. The more choices you express, the surer you are to make your ballot count for one of the candidates you favor.
>
> This ballot will not be counted for your second choice, unless it is found that it cannot help your first choice; it will not be counted for your third choice unless it is found that it cannot help either your first or your second, etc.
>
> A ballot is spoiled if the figure 1 is put opposite more than one name. If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots, and get another one from him.

There is surely nothing esoteric about this. The voter's part in the enterprise is extraordinarily simple. He is merely asked to indicate a gradation of preferences. His act has all of the appearances of mere preferential voting. But the appearances are deceiving. He is doing more than he seems to be doing. Consciously or unconsciously he is allying himself with a group for purposes of representation. Whether he realizes it or not such an allegiance is implicit in the following directions for the counting of ballots: [2]

> (a) On all ballots a cross shall be considered equivalent to the figure 1. So far as may be consistent with the general election laws, every ballot from which the first choice of the voter can be clearly ascertained shall be considered valid.

[1] Sec. 161.

[2] Sec. 164.

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(b) The ballots shall first be sorted and counted at the several voting precincts according to the first choices of the voters. At each voting precinct the ballots cast for each candidate as first choice shall be put up in a separate package, which shall be properly marked on the outside to show the number of ballots therein and the name of the candidate for whom they were cast. The ballots declared invalid by the precinct officials shall also be put up in a separate package, properly marked on the outside. All the packages of each precinct, together with a record of the precinct count, shall be promptly forwarded to the central election authorities as directed by them, and the counting of the ballots cast in each district shall thereafter be carried on by a central counting board for each such district, appointed by the central election authorities and acting under their direction.

(c) After the review of the precinct count of its district by the central district counting board, and the correction of any errors discovered therein, the first-choice votes of each candidate shall be added and tabulated. This completes the first count.

(d) The whole number of valid ballots cast in the district shall then be divided by a number greater by one than the number of seats to be filled in the district. The next whole number larger than the resulting quotient is the quota or constituency that suffices to elect a member.

(e) All candidates the number of whose votes on the first count equals or exceeds the quota shall then be declared elected.

(f) All votes obtained by any candidate in excess of the quota shall be termed his surplus.

(g) Any surpluses there may be shall next be transferred, the largest surplus first, then the next largest, and so on, according to the following rules.

(h) In the transfers of a surplus, transferable ballots up to the number of votes in the surplus shall be transferred to the continuing candidates marked on them as next choices, in accordance with rule (m). The particular ballots to be taken for transfer as the surplus of a candidate shall be obtained by taking as nearly an equal number of ballots as possible from the transferable ballots that have been cast for him in each of the voting precincts. All such surplus ballots shall be taken as they happen to come without selection.

(i) "Transferable ballots" means ballots from which the next choice of the voter for some continuing candidate can be clearly ascertained. A "continuing candidate" is a candidate as yet neither elected nor defeated.

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(j) Whenever a ballot is transferred from one candidate to another, it shall be tallied or otherwise recorded by a tally clerk assigned to the candidate to whom it is being transferred. Each tally clerk shall take care not to receive for his candidate by transfer more ballots than are required to complete the quota.

(k) The votes standing to the credit of each candidate shall be added and a tabulation of results made whenever a comparison of the votes of the several candidates is necessary to determine the next step in the procedure. Each tabulation, together with the transfers of ballots made since the preceding tabulation, is referred to in this section as a "count".

(l) After the transfer of all surpluses (or after the first count if no candidate received a surplus) every candidate who has no votes to his credit shall be declared defeated. Thereupon the candidate lowest on the poll as it then stands shall be declared defeated and all his transferable ballots transferred to continuing candidates, each ballot being transferred to the credit of that continuing candidate next preferred by the voter in accordance with rule (m). Thereupon the candidate then lowest shall be declared defeated and all his transferable ballots transferred in the same way. Thus the lowest candidates shall be declared defeated one after another and their transferable ballots transferred to continuing candidates.

(m) Whenever in the transfer of a surplus or of the ballots of a defeated candidate the vote of any candidate becomes equal to the quota, he shall immediately be declared elected and no further transfer to him shall be made.

(n) When candidates to the number of seats to be filled have received a quota and have therefore been declared elected, all other candidates shall be declared defeated and the election shall be at an end; or when the number of continuing candidates is reduced to the number of seats still to be filled, those candidates shall be declared elected whether they have received the full quota or not, and the election shall be at an end.

(o) If when a candidate is to be declared defeated two or more candidates at the bottom of the poll have the same number of votes, that one of the tied candidates shall first be declared defeated who was credited with the fewest votes at the end of the count next preceding, and any further tie shall be decided on the same principle. Any tie not otherwise provided for in this section shall be decided by lot.

(p) In the transfer of the ballots of any candidate who has re-

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ceived ballots by transfer, those ballots shall be transferred first which he received by the count next preceding, and the rest shall be transferred in the reverse order of the counts by which he received them.

The elements of importance that lie hidden in the mechanics of voting and of counting as thus set forth may be briefly stated. In the first place the scheme assumes that each voter as a member of a group is entitled to be represented by only one representative. The theory of this is precisely the same as the theory of the single member district. Under the single member system the voter is at best (if he happens to vote for the majority or plurality candidate) represented by only one member of the assembly—"his" alderman. Under the scheme of the single transferable vote no ballot is ever counted toward the election of more than one member. If the voter indicates his first choice for a strong candidate his ballot may be counted for this candidate and thus used only once. On the other hand, his ballot may be found among those that are not needed to elect the candidate of his first choice. In such case it is counted, not for his first, but for his second choice, if he has indicated a second choice. If the candidates of both his first and second choices are ultimately elected he will not know for which of them his ballot was counted. In that case he was presumably one of a numerous group who wanted both of these candidates; but his particular ballot actually assisted in electing only one of them—which one he does not know and probably has no reason to care.

In the second place, while each voter is entitled to only one representative he is nevertheless always entitled to that one, provided he exercises his full option of choices, and provided he registers at least one of his choices for a candidate who is supported by a group sufficiently numerous to be entitled to any representation. If the candidate of his first preference has so few first-choice votes that he is put out of the running, his second choice is counted. His ballot always assists in electing one member unless he fails to have or to express a sufficient number of choices, or unless all the candidates of his choice are

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hopelessly unsupported. The theory of this, of course, is wholly different from that of the ordinary system of either single or multiple member districts. Under the ordinary system those who vote for a defeated candidate or candidates are wholly without representation, even though their candidate or candidates receive strong support.

In the third place, the principles underlying the Hare system of proportional representation must not be confounded with the principles of preferential voting now in operation in many American cities. In preferential voting the voter may mark his first, second and third (or other) choices among the candidates for *each* office. Usually there is a separate column for each choice, but figures in a single column may be used. In the count, the object is to secure an absolute majority for some candidate. If no candidate receives a majority of first choices, *all* the ballots are recanvassed, and *all* the second choices are added to *all* the first choices. In other words, the voter who expresses a second choice has his ballot counted twice, although never twice for the same candidate. The majority necessary to elect remains fixed; it is simply a majority of the valid ballots. But if every voter expresses second and third choices the total number of votes in the count doubles when the second choices are canvassed and triples when the third choices are added. Under such circumstances it is quite possible for more than one candidate to receive an absolute majority[1] in which case the candidate with the highest number of combined choices is elected. Even so, every candidate's poll consists always of votes taken from different ballots.

In American cities simple preferential voting is usually applied to the election of a single officer or of councilmen elected in single member districts. It may, however, be applied to the election of a group, as it is, for example, in the election of the five members of the city commission of Portland, Oregon. But

[1] In electing a single officer or a single member from a district, if there are 400 ballots the necessary majority is 201. If second choices are expressed on every ballot and are counted, there will be a total of 800 votes, of which more than one candidate may receive 201 votes. If third choices are counted on every ballot, there will be a total of 1200 votes.

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the Hare system of proportional representation may not be applied to the choice of a single officer for the obvious reason that there can be no proportional representation in one office.[1] The two systems can be properly compared therefore only as applied to a multiple member district which, in the case of cities, may or may not be the entire city. So applied there are fundamental differences between preferential voting and the Hare system. Mechanically, these differences are apparently slight, although they apply both to the marking of preferences and to the method of counting. Under the Hare system, the voter is allowed to register each of his preferences for one candidate only. Under preferential voting he may register each of his preferences for as many different candidates as there are members to be elected. For example, if five members are to be chosen, he may mark five first choices, five second choices, and so on. Under the Hare system a candidate is elected by securing merely a quota, which quota (being determined by dividing the number of valid ballots by one more than the number of offices to be filled and by adding one to the result[2]) is always a number representing a minority of the

[1] The machinery of the Hare system might be applied to the election of a single member or officer. So applied it would simply be preferential voting. Indeed the machinery of some of the schemes of preferential voting is very nearly identical with the machinery of the Hare system except that there is no transfer of "surplus" ballots (the candidate having a surplus would be elected to the office), and except that there is nothing that is called a "quota" (a majority is the quota).

[2] It may seem at first impression that the quota ought to be obtained by dividing the number of ballots by the number of offices to be filled — that if there are five thousand ballots and five offices to be filled the quota ought to be one thousand. On reflection, however, it is clear that a quota so obtained would be too large. It would not allow for any ballots to be wasted, either by the failure of the voter to mark the limit of his possible preferences or by using up all his preferences upon candidates who are supported by so few voters that they have practically no chance of obtaining the quota. The use of such a quota would make it almost inevitable that one or more candidates would be elected by less than the quota. The reason for adding one to the number of offices before dividing and one to the result after dividing is doubtless obvious when only one office is to be filled, although, of course, as already indicated in the text, there cannot be proportional representation in a single office. To divide the number of ballots in such case by the number of offices (one) would give a number equal to the whole number of ballots. It would require, in other

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voters. Under preferential voting a candidate is elected, generally speaking, by securing either the first choices or the first and other choices of an absolute majority of the entire number of participating voters.

Behind these mechanical differences there are fundamental differences of purpose and result. Preferential voting seeks to avoid the necessity for primary or double elections as well as elections by mere pluralities which are minorities. It seeks to enable the voter to give a more complete expression of his judgment as to the relative merits of candidates, to the end that the second and other choices of the voters may be considered and used if no set of candidates proves to be the first choice of a majority. But the point of importance is that under preferential voting, when applied to a multiple number district, a bare majority of the voters may by their first choices elect the entire membership of the district, while a candidate or candidates who are the first choice of very substantial minorities may nevertheless be defeated.

On the other hand, the single transferable vote, while it also avoids primary or double elections, seeks to secure, not to avoid elections by minorities. It is deliberately designed to measure the success of every substantial minority among the voters. If the voters happened to divide into several minority groups exactly corresponding in number to the number of members to be chosen, the marking of preferences and the transfer of votes would be unnecessary. In such circumstances the application of the quota would operate to elect the requisite number of members by counting only the first choices. But needless to say, such an exact division of the voters could happen only in theory. Hence the features of the marking of preferences and the transfer of votes. These features do not prevent any sub-

words, that all the voters should mark at least one of their preferences for a single candidate. Such a result would probably never obtain. Where a single officer is to be chosen, the most that can be hoped for is a majority; but a majority consists of the number of ballots divided by two (which is one more than the number of offices) and one more. Hence the formula: Number of ballots ÷ (number of offices + 1) + 1 = quota. Even with a quota so derived it is possible, though not probable, that ballots might be so scattered that one or more members would have to be elected with less than the quota.

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stantial minority from electing a representative; they may indeed assist to that end. Perhaps primarily, however, they operate to enable a large minority or a majority to elect more than one representative. From the technical viewpoint of the count this large minority or majority consists of more than one minority—a minority equal to the quota. Actually it may be, though it need not indispensably be, a fairly organized and welded group—a political party in fact if not in law. If this group over-votes upon one of its candidates, the surplus thus created is simply transferred to another of its candidates. By putting up too many candidates and scattering its votes among them, its strength may be dissipated; but with adequate organization this is not likely to happen.

The principal counts in the indictment that is brought by the advocates of proportional representation against the geographical district system of representation, whether for the election of one or a number of members, cannot be denied. It is certainly true that voters with similar political beliefs or opinions are not grouped with reference to geographical districts. It is true that the voters who cast their ballots for losing candidates in the ordinary geographical district election are wholly unrepresented. It is also true, because of the limited extent to which the voter is allowed to express his opinion upon candidates, that the voter, fearing to throw away his vote, may refrain from casting a ballot for a candidate whose strength is apparently slight.

If it be conceded that the voters of a large district or of an entire city are in fact divided into groups whose members are united by a common set of principles, beliefs or opinions, or upon a fairly stated program of proposed political action, or by both principle and program; or if it be conceded that the voters would so divide if they had the opportunity to do so, the logic of proportional representation cannot be escaped. A complete consideration of the concessions thus indicated would necessitate an elaborate discussion of the basis, purposes, and operative methods of political parties. It is sufficient to point out, perhaps, that while in some political parties (the Socialist party in the United States, for example) there is a union of members upon the basis of fairly stated and fairly accepted principles and

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programs, this is by no means a universal characteristic of political parties. The more rigid the principles and the program of a party and the sharper its discipline, the more apt is the party to split upon the rocks of dissension as it increases in numbers. The larger the party the more necessary it is that it should have loose principles, vague program, and lax discipline; which means the less does the party represent any genuine division of the voters upon the basis of group opinions. Moreover, with the increase in the number and complexity of the subjects with which governments deal, the more difficult it becomes to formulate definite programs upon which this or that party group can stand and grow. Operating through the medium of organized political parties, whether or not they are expressly recognized upon the ballot, it is quite possible that proportional representation might result in a quickening of party discipline, in strengthening the machine quality of the political party. To the group opinions, which presumably form the foundation upon which the existence of the group depends, there must always be added the influence of the party machine as an agency of cohesion. Indeed it is difficult to say sometimes whether the group is held together chiefly by common opinions or by party organization and activity.

In the present state of human enlightenment and of human capacity for cooperative enterprises, it is probably true that constituencies with genuine principles and views can be formed only if such principles and views are limited in number. No doubt this implies a division of the voters into a considerable number of groups rather than into two or three large groups. Perhaps it must be admitted also that proportional representation would probably operate at its best under conditions in which there were more or less numerous political parties in the field. This is not to say that there is necessarily any objection to applying the principle of proportional representation where there are only two major parties. It is merely to say that applied under such circumstances its net results would probably not be large—would certainly not be as significant as they would be under the circumstances of numerous party groups.

In recent years there has been a steady movement in the

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United States in the direction of abolishing in municipal elections all recognition of political parties and substituting so-called non-partisan elections. Even so large a city as Chicago has abolished party nominations in aldermanic elections. In no city that has introduced the Hare system of proportional representation is there any recognition of party nominations, There is, however, nothing to prevent party nominations in fact, unless it be that public opinion in the particular city would frown upon participation in municipal elections by any organized political party. So far as the practice of American cities is concerned, therefore, it is futile to discuss the subject of proportional representation in the light of its probable or possible operation under a political party system. Answer has thus been given in advance to the contention, sometimes made, that proportional representation would operate to break up a two-party system. In a large number of cities parties are already taboo—at least in legal theory.

Discussing the operation of proportional representation in Ashtabula, Ohio, a competent commentator has this to say: [1]

> As life increases in complexity, interests not only become more diversified but lose more and more of their permanency. To give to voters sixteen or more avenues of choice is more in keeping with this evolution than to adopt a system which tends to divide a community into two permanent parties. The need of a modern community is a method of choosing representatives which will allow the most complete freedom to the changing interests which will present themselves. It is unnecessary to provide artificial party divisions in a democracy. These divisions will act through the government if our system of representation offers the opportunity. The pressure of opinion, the grip of tradition, and the attraction of like for like can be trusted to provide impulse and guidance. Proportional representation, more than any other system that has yet been devised, offers the flexibility necessary for the free play of these forces.

To argue in this fashion is in effect to argue for numerous groups based upon the diversity of modern life as reflected in

[1] Raymond Moley, "Representation in Dayton and Ashtabula", in *National Municipal Review*, vol. VII, p. 27, January, 1918.

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governmental action. It is to assume that these groups do in fact exist and seek opportunity for self-expression, which is probably as often untrue as true. It is to look upon these groups as impermanent and shifting, which unquestionably they are to some extent. In view of the overwhelmingly business and administrative aspects of city government, it may well be that a satisfactory municipal assembly or council may be formed by giving opportunity for the full play of the forces represented by such diversified and changing groups as actually exist.[1] Even so, one can but question the wisdom of a system that resulted in the election of a council whose membership this same commentator describes as follows: "The business element may be said to have three representatives. The Irish, Swedes and Italians each elected a member of the council. The Socialists elected a member. On the liquor issue three of the successful are pronounced drys, three are classed as liberals, and one is very wet!" On what possible principle of representation can it be urged that the Irish, the Swedes, and the Italians are entitled as such to representation in the government of an American city? The only issue in this first election in Ashtabula was the liquor issue. It is impossible to have proportional representation on a single issue—that is to say, there can be only a majority and a minority division. The division here resulted in three drys and four wets. This kind of division would have resulted under any scheme of representation. So also in the second Ashtabula election, that of 1917, the distribution of representatives seems to have been one for the Finns, another for the Swedes, another for the Irish, the Italian candidate being defeated. The other members were the foreman of a printing establishment, a leading physician, a railway engineer, and a department manager in a large retail store. The only important issue of the campaign was a religious issue upon which the elected council divided four to three. Needless to say, proportional representation had little if anything to do with the result upon this issue.

[1] Whether a national assembly brought together on any such loosely joined basis would be a workable agency of government is open to question.

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This is not to say that proportional representation has worked any less satisfactorily in Ashtabula than any other system of representation would have worked. It is not apparent, however, that its results have been outstandingly better than the system of geographical district representation. So far as the record shows it has certainly not resulted in bringing together representatives of group opinions or of group interests that logically ought to be represented in a city assembly. And this is not to mention the fact that the principal job of the council in Ashtabula is the selection of a city manager, upon which job it is difficult to see how any scheme of representation could function "proportionally". Experience, however, with a few elections in a relatively small city is obviously insufficient evidence upon which to base conclusions. It remains to be seen what may be the results of proportional representation over a reasonable period of time in other American cities as well as in many other countries of the world in which one or another form of proportional representation has recently been inaugurated.

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AN ITALIAN AMBASSADOR'S DIARY OF THE PEACE CONFERENCE

IN the rapidly expanding bibliography on "What Happened at Paris" the diary of Count Macchi di Cellere, one of the foreign diplomats who accompanied President Wilson to Paris, has a distinct place. Though not a great statesman, the Italian ambassador accredited to Washington throughout the period of the World War, was a man of tact and good judgment, well informed as to our ways of thinking and of doing things, and esteemed by many of our political leaders, including President Wilson and the members of his cabinet.

Whether the diary, now given to the Italian public with the consent of the widow of the late ambassador, was intended by him for posthumous publication, is a question. The intimate character of some of its criticisms and strictures might lead one to doubt such an intention; on the other hand, when Di Cellere wrote it he was fully aware of the political intriguing going on at Paris and Rome against him, and the diary may have been meant as a defense for future use. Certain it is that the knowledge of the humiliating machinations going on behind his back colors his record of events, but it colors it not so much with personal resentment as with indignation over the difficulties created for his country by what to this staunch Sonninian appeared (and probably were) the vacillations and incapacities of his political superiors.

The diary appears as an "Exhibit" to a book[1] published in Italy with a dedication by Countess Macchi di Cellere to her children. It covers only one month (May 12 to June 19, 1919), but a month of very strained relations at Paris, when it seemed as if a break among the Allied Commissioners would be unavoidable. The President had issued his Fiume proclamation and Italian opinion was seething with indignation; Premier

[1] Justus, *V. Macchi di Cellere all'Ambasciata di Washington.* R. Bemporad e Figlio, Florence, Italy.

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Orlando had threatened to withdraw and the possibility of Japan's secession was more than hinted at. The American delegates and experts appeared divided or uncertain, thus allowing a fruitful field for diplomatic intrigues and "pressure" from every quarter. It is the sequence of all these uncertainties, vacillations, threats and compromises which went on at this time over the Adriatic question, that Di Cellere—a trained and sensitive observer—records as he witnessed them or as he heard them reported. That in his views he is strongly pro-Italian can hardly be held against him; that he thought of some of the Americans in Paris as Italy's friends, and of others as her enemies, is quite human; but that these qualities or defects did not warp his judgment on big issues is shown by his unsparing criticisms of some of his own countrymen no matter what their rank or position. Nor must we, in reading this diary, lose sight of one fact too often overlooked by us in comparing the "spirit of impartiality" of our delegates with those from European countries: that in the settlements which were made, or attempted, at Paris, especially in the carving out of new states or the reducing or enlarging of old ones, we dealt with territories not our own or near our borders. Obviously it is easier to be impartial and high-minded in fixing frontiers for other peoples than for ourselves; the difference in attitude is somewhat like that between the helpless patient and the expert surgeon who benignantly operates upon him—a difference we have too easily, and, in some quarters, too smugly overlooked.

The first entry in the diary gives an idea of the ambassador's activities as a go-between, and of the stage which the Adriatic question had reached at the time (Monday, May 12, 1919). After lunching with the Italian Foreign Minister Sonnino, Di Cellere was asked by Mr. Miller, one of our experts, for an exchange of views preliminary to a meeting which Orlando, the Italian premier, was to have with Colonel House the day following. The plan outlined by Mr. Miller, according to Di Cellere, was that all Italian boundary questions, except those affecting Jugoslavia, should be settled at once, while the Adriatic question should be referred to the League of Nations, which, in the meantime, would take over for a period of five years both

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Fiume and Dalmatia except such Dalmatian islands as might be forthwith assigned to Italy. Di Cellere believed that this plan emanated from Colonel House and had the approval of the President. It was nearly midnight when Di Cellere informed Miller that Orlando's "informal reply" was that he would take the proposal under consideration only if it represented a starting point for discussion; otherwise the plan was unacceptable. The next day Miller, at Orlando's request, made a more detailed proposal as follows. Italy's northern frontiers were to be definitely settled at once. All Adriatic questions—Fiume, Istria, Dalmatia, the islands and Valona—were to be grouped as one and to be disposed of thus: Istria to be assigned to Italy except for that strip through which ran the railroad connecting Fiume with Vienna; Fiume and Dalmatia (except a few islands) to be under the control of the League of Nations (similar to the control exercised over the Sarre) for five years, at the end of which period a definitive settlement would be made based on plebiscites, with due consideration of the commercial needs of the hinterland and of the interests and security of Italy in the Adriatic; Zara and Sebenico to be under an Italian mandate. This plan, Miller told Di Celere confidentially a few days later, had the approval of President Wilson. Orlando advanced several objections, some of which were met in a modified proposal which Miller read from a written memorandum at a meeting held the day following (May 14). It was at this interview that, according to the diarist, Orlando made the *faux pas* of suggesting the possibility of a settlement directly with the Jugoslavs. This had been previously suggested by Colonel House and, on the Italian side, there must have been already an exchange of "feelers" (between April 14 and 24), as Orlando explained that "in the form of strictly private conversations" a tentative plan had been outlined as follows: Italy to have the entire line of the Alps, Fiume to go to Italy with special port privileges to Jugoslavia, the Adriatic islands mostly to Italy, and—as to Dalmatia—Italy to have Zara with its hinterland as far as Sebenico, or else to make Zara, Sebenico and Spalato free cities. What Orlando wanted to know was whether the President would approve of a settlement reached by direct negotiations even if it

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should vary from Wilson's proclamation on Fiume. Miller could not say but did not appear to like the new proposal and, in fact, in order to bring Orlando back to the President's plan, stated that the Americans would not insist on taking from Istria the strip of land over which the Fiume-Vienna railroad passed. Orlando, however, was so pleased with the direct negotiations idea that Miller had to take it under advisement, and that evening he informed the Italian premier that the President would not oppose it and would agree both to mediate in the matter and to accept any settlement which might be reached.

On May 15 Di Cellere seems to have maneuvered skilfully so as to have a private chat with Miller, to whom he explained his own opposition to Orlando's plan of direct negotiations. Miller, according to the ambassador, agreed that the plan had its dangers and added that Colonel House, realizing this, had avoided telling Trumbich that the proposal had come from the Italians. But by this time even Orlando had sensed his mistake and on the nineteenth he asked Miller to drop the plan of direct negotiations and take up again the earlier proposal. In fact, all of the morning was spent by Orlando and Sonnino (the latter had never agreed to direct negotiations) in drafting a reply to the Miller proposal. The reply was intrusted to Di Cellere for delivery and elucidation.

In the meantime, however, Trumbich had filed with the Americans the Jugoslav demands, which were of such a nature that Colonel House, according to Miller, had characterized them as "not serious". Miller, in fact, "appeared preoccupied" and the tenseness of the situation is vividly brought out by Di Cellere's entries in his diary for May 16:

> At 5 p. m. he [Miller] phones me that House wishes to meet Orlando a little before five-thirty. Orlando was then in my room, and we decide to go immediately to the Crillon. House (in the presence of Miller, Frazier and Beer) says that in order to hasten, if possible, the agreement we desired with the Jugoslavs, he had asked Trumbich to see him at five-thirty; that after seeing him he would report or cause to be reported to Orlando the points under discussion. Then House left and we remain with Miller and Beer (two perfect and sincere friends of ours). . . . It is a long wait. Finally Miller,

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who had been summoned away, returns and tells us that the following points have been agreed to [with whom?]: Fiume a free city under the *protection* and guarantee of the League, the Allies to help it with a loan for its harbor needs; Dalmatia to Jugoslavia under the League; Italy to have Valona and the islands of Lussin, Lissa and Pentacola.

Di Cellere raises various objections of which Miller takes note, and after further parleys Orlando declares that, under the circumstances, the plan of direct negotiations with the Jugoslavs must be considered to have failed. "But Mr. Johnson (known as a supporter of the Jugoslav cause), intervening, attempts to reopen the case, betraying his partiality by defending the point of view of our adversaries" and proposing new solutions which the Italians decline to consider. Johnson leaves and Miller comes back to report that House is still in conference with Trumbich. When House finally appears a meeting for late that evening is proposed, but Orlando desires to know if Wilson approves the plan presented by Miller, for, otherwise, further discussion would be a waste of time. House cannot say and turns to Miller who replies, "that after Wilson's proclamation he dictated a report maintaining that if Wilson should have receded from his opposition regarding the eastern boundary of Istria, he would not only have seen no difficulty, but would have looked upon the matter with favor". House then promises to see Wilson and a new meeting is fixed for the morrow. At the adjourned gathering (attended by House, Miller, Frazier and Beer for America, and by Orlando, Di Cellere and Scordia for Italy), House explains that though he has seen Wilson "he foresees that another interview with him will be necessary". That afternoon Di Cellere learns that "House had planned to go to Lloyd George to instigate (*istigarlo*) him to convince Wilson to accept the program formulated by Miller", and the next day he is told by Orlando of an interview the latter had had with Lloyd George, who "was surprised that Wilson should have any difficulty in accepting the [Miller] proposal with the Italian addenda. He did not think it possible, so conciliatory did the plan appear". But the British premier thought the Italians were making too much fuss over Fiume.

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In the late afternoon of the eighteenth, Miller, fresh from an interview with the President, went to report his impressions to Di Cellere.

My conversation [writes the Italian Ambassador] assumed an eminently political character. . . . Miller was not the bearer of the olive branch from Wilson . . . who seemed immovable on giving Jugoslavia that strip of Istria over which runs the Fiume-Leybach railroad; he accepted the idea of neutralizing Dalmatia but refused us Sebenico and insisted on cutting down the number of islands claimed by Italy. . . . Miller prefaced his proposals by pointing out the necessity of friendly Italo-American relations and maintained that America desired a strong Italy. . . . In reply I described to him the internal conditions of Italy and her position during the war and at the Peace Conference. . . . I pointed out how united was my country in its sense of undeserved offense visited upon it from every quarter, and of the possibility that an extremist nationalist government, backed by the people and by the army, might come into power. I suggested the possibility, the duty almost, of some noble *geste* by America such as might win the endless attachment of my country. Miller agreed and went so far as to outline vast plans of relations between our two countries founded on some positive fact. . . . He thought that America might rebuild all the tonnage which Italy lost during the war, but I objected that though this would be important it would be merely a material benefit. . . . I said to him, "Propose something grand and spiritual, tell me of some act on the part of America which shall dim if not destroy the unfortunate impression caused by Wilson's proclamation on the Adriatic question, suggest something that may forever unite our countries, and then we can discuss it!"

Miller wished to think this over but asked Di Cellere not to speak of it.

The following day (May 19) the diarist records that Miller "seems more than convinced" by the Italian arguments but "evidently is up against the resistance of Wilson, who is bound by his proclamation". Di Cellere takes him to Sonnino and the three have an hour's interview. The Italian foreign minister reiterates and explains the Italian claim; he is willing to agree to any guarantee that will assure the development of Fiume and the unhindered operation of its railroad with the

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hinterland; he does not seem averse to some concessions in regard to the islands in the Adriatic and urges the advisability of some friendly *geste* by America towards the Italian people. Miller is receptive but fears Wilson will not budge on the Italian question. Meanwhile Orlando, after seeing Lloyd George, reports that the British premier seems inclined to give Fiume to Italy, but the situation becomes further complicated by an impending crisis in the Italian cabinet. In fact, Orlando discusses the advisability of changing the Italian peace commissioners.

On the twenty-first Di Cellere records an interview with Baruch of the American Commission relating partly to the Adriatic question but mainly regarding the opposition of the American Delegation to the Italian proposal of including in the terms with Austria a provision that that country grant a three years' special tariff to Italian imports. Baruch appears to have yielded on this point.

May twenty-second is a day of great activity behind the scenes. Sonnino is in favor of "staying put". Orlando, back from a meeting of his cabinet at Oulx, reports that his ministry consider the "Di Cellere-Miller" plan of settlement with favor and have given him *carte blanche* for appointing new peace commissioners. Colonel House sends word he wishes to see Orlando at once, but the request is countermanded. The "Big Three"—Wilson, Lloyd George and Clemenceau—are reported to have summoned Trumbich, but in the meantime the Italians are continuing their pressure on Lloyd George to induce Wilson to relent in his intransigence. Simultaneously Di Cellere through his own propaganda office in Washington is trying to bring influence to bear on the President from American sources. Then follow forty-eight hours during which there appear no Italo-American contacts, until on the twenty-third or twenty-fourth Marconi is sent to Wilson to plead the Italian case. Di Cellere hears that this interview "could not have gone worse. Wilson sticks to his program and appears to have expressed himself with little benevolence (*assai poco benevolmente*) in regard to Italy, accusing her even of lack of political education . . .". But by this time Di Cellere is being pushed aside

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by his superiors and the entries in his diary record his growing sense of hurt and humiliation.

On the twenty-sixth we find some interesting memoranda. Orlando had had an interview with Clemenceau the day previous and the French premier's "recriminations had made it a stormy meeting" ending in Orlando's giving notice that he would insist on the rigorous application of the Pact of London; whereupon Clemenceau promised to bring up the Italian question that same day before the "Big Four". Di Cellere states that Taylor of the American Commission had "insinuated" to Colonel Brancaccio of the Italian Commission a new plan of settlement along these lines: Fiume, Zara and Sebenico to be made free, sovereign cities; Italy to have the Heraklea zone in Asia Minor but to surrender her claim to the German Tyrol in exchange for the economic predominance in Austria and Czechoslovakia, while the Americans would cease to insist on assigning Liburnia to the Jugoslavs. Di Cellere advised taking no notice of this "feeler", which he feared was a diplomatic ambuscade.

At lunch, that day, Colonel House showed himself sincerely sorry for the crisis in the Italian situation, which, according to Di Cellere, he attributed "to the suspension of negotiations due to the intransigence of the Jugoslavs". The Italian ambassador thought that they might yield to American pressure but, he added, "unfortunately, Wilson has made the Jugoslav program regarding the Adriatic his own (*ha sposato*) and wishes to impose upon us his own plan". House, according to the diarist, "fully agreed with me as to the first part of my comments, and made no objection to the second part relating to Wilson."

That afternoon Di Cellere got news of what happened at the meeting of the "Big Four" when the Italian question was brought up by Clemenceau. Wilson is reported to have declared that if the Pact of London were applied he would refuse to sign the Peace Treaty. Clemenceau appeared to ignore that there had been any recent negotiations between the Italian and the American delegates despite the fact that Lloyd George had been informed of them and had seen the French premier. The upshot seems to have been that Orlando promised to produce

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the next day the text of the Miller plan with the Italian counter-proposals.

From now on Di Cellere's information is largely second-hand, as at about this time he is evidently totally pushed aside as a negotiator; besides, Miller, his most trusted American friend, is ordered back to Washington. All kinds of reports of "compromises", "cessions" and new "formulæ" reach the Italian ambassador. Tardieu has now become the "leader of the orchestra" and according to Di Cellere "Tardieu's plans can inspire only diffidence". Meanwhile the general belief is that Wilson will soon sail for home and Beer of the American Delegation tells Di Cellere that "House's office" have given up hope of overcoming Wilson's opposition. Colonel House "appears discomfited (*sconfortato*) and wishes to return to America as Miller and Mezes have done". At about this time a new "solution" ("the worst of all" Di Cellere characterizes it) is proposed—the neutralization of a new state which would include Fiume and that part of Istria which Wilson refused to give to Italy. The plan, it turned out, was formulated by Tardieu and Crespi, the new member of the Italian peace commission.

On June 1 Di Cellere was a guest at a banquet given by Signor Crespi to the economic delegates of the Allied countries, and sat next to Ambassador Davis, with whom he appears to have been on friendly terms. The talk turned first on the objections raised by Germany to the peace terms. Di Cellere wrote in his diary on the day following: "Davis did not hide from me that he thought the German objections to the indemnity and reparations clauses reasonable, and this because of his well-known ideas on this subject and of those of the American Delegation". The conversation then turned to the Italian question and Davis is alleged to have told Di Cellere that "the principal cause of disagreement" between the Italians and President Wilson was to be sought in the infelicitous (*infelice*) manner in which Orlando had conducted the case, in his handicap from ignorance of English and in his utter lack of knowledge of Wilson's temperament and character.

A day or two later Di Cellere was a guest at another ban-

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quet, this time Ambassador Davis being the host. House, Lamont, Stettinius and Baruch were among the guests. Di Cellere asked Baruch if he had seen the President regarding his approval of the new Tardieu-Crespi plan. Baruch said he had not, and added: "Do you remember when I told you that there had been a sudden and brusque change against Italy in the American Delegation? I was working with it, in agreement with you and in your favor. Things were going finely, when suddenly I saw that I was losing ground and thought it best to stop so as to avoid the charge of meddling with other people's business". What the cause of such a brusque change was Baruch did not profess to know.

On June fourth Di Cellere thought he had discovered the key to the political machinations against the Italian Delegation. "Washington", he wrote, "calls my attention to an article in *The Tribune* which is a venomous attack against Sonnino and a hymn of praise to the resurrection of Nitti. The plan of campaign is now clear." Whether or not Di Cellere was right in ascribing to Nitti what seemed to be a further stiffening of the American opposition, certain it is that Nitti was notoriously an opponent of Sonnino and had for some time sought to ingratiate himself with the Americans. And when the Orlando Cabinet fell, soon after, and Nitti became premier, he initiated a markedly anti-Sonninian policy of Italian renunciations which led eventually to his own political decapitation.

In regard to the opposition of the American Delegation to Italian claims in the Adriatic, Di Cellere persistently held that it had its roots in President Wilson's intransigence, which he tried to explain largely as a matter of personal pique. But the Italian ambassador was too fair-minded a man not to record the evidence against his own belief. Thus on June sixteenth he entered in his diary that the American experts were united in holding that it was a mistake to imagine that the opposition to Italian aspirations was due only to Wilson, but "that the Allies have carried on an even more relentless war", and that on several occasions the American Delegation rushed to Italy's defense. In another entry he wrote that Hoover confirmed this to Gelasio Caetani (of the Italian commission).

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The final blow appears to have fallen on June seventh, when, according to Di Cellere, Wilson personally delivered to Orlando a counter-proposal to the Italian demands. Italy was to be deprived of the Island of Cherso, which would be incorporated in the new buffer state of Fiume; Sebenico would go to the Jugoslavs and Zara be made "something free". This, according to the diarist, was "more or less Trumbich's program".

The diary stops abruptly on June nineteenth after a record of Di Cellere's growing bitterness over his treatment by his superiors and of his urgent request to be allowed to return to Washington and there be relieved of his diplomatic duties. This request was refused even though it was known that President Wilson desired the Italian ambassador to go back with him.

A few days after, the Orlando Cabinet went down to defeat in the Italian Parliament. With the advent of Nitti to power Di Cellere knew that thenceforth it would be a fight without quarter. And if we accept all that is set forth in the book which is the frame for the diary herein summarized, the fight against him was certainly merciless. Those who knew him when he finally came back to Washington were struck by the sadness of the man much more than by the disappointment of the diplomat. Without open warning, on October 12, 1919, the then foreign minister, Signor Tittoni, cabled Di Cellere to arrange for the early arrival of his successor in Washington. To this he promptly attended without ceasing his labors to break the deadlock over Fiume by finding a plan of settlement which President Wilson might consider favorably. But the disease which had been upon him for some time past now made rapid progress under the great strain of those days; an operation seemed the only hope and he made ready for it. Before the surgeons could begin, a sudden hemorrhage killed him. His last official message to the Italian Foreign Minister reads like the brief valedictory of a faithful servant: "I have furnished Lansing all complementary data. Am seriously ill and must undergo a surgical operation. Have authorized Baron Valentino to act between Your Excellency and Lansing".

GINO SPERANZA

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REVIEWS

A History of the United States. Volume V. *The Period of Transition, 1815-1848.* By EDWARD CHANNING. New York, The Macmillan Company, 1921.—viii, 623 pp.

Students of American history have come to look forward to the appearance of a new volume of Professor Channing's *History of the United States* with something of the same anticipation with which Englishmen of two generations ago awaited a new novel by Thackeray or Dickens. The Harvard scholar has been at work for more than a quarter of a century on the immense task of writing our history from the days of Columbus—a task which seems incredibly ambitious in these days of cooperative historical production.

Professor Channing's fifth volume, entitled *The Period of Transition,* covers the ground from the end of the War of 1812 to the end of the War with Mexico. The author has made a radical departure from the method of his first four volumes, in that he devotes half of his book to a survey of economic and social conditions in the United States from 1815 to 1850. Only with chapter ten, at page 307, does he resume the political narrative where he had left it at the close of volume four. A precedent for this extensive survey may be found in the first six chapters of Henry Adams' *History of the United States in the Administration of Jefferson and Madison;* but there is this significant difference: while Adams sums up the social conditions of the country at the opening of the nineteenth century as a point of departure for his narrative, Channing runs his comments on such topics as westward navigation, the labor movement, the plantation system, religion, education and literature, all through the period of his narrative, and, indeed, in some instances (pp. 182, 183, 257) far beyond. This method causes some embarrassment to the student. He cannot avoid the impression of repetition in the second half of the book; for it is as impossible to deal with the social and economic features of the period without reference to the political narrative as it is to treat the political narrative without noticing the social and economic factors. At times one has the feeling of reading two books in one. For example, in chapter two the story of westward migration is traced down to the middle of the century, and the author returns, in chapter fifteen, to

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the subject of "Western Lands and Settlements after 1840". Chapter five, on "The Plantation System and Abolitionism", deals with the disaffection in South Carolina (p. 160), to which we return in more detail in chapter thirteen on "South Carolina and Nullification". The labor troubles in Jackson's administration are dealt with in chapter four, and the rest of the topics of the administration in chapter twelve. The index reveals Dr. Thomas Cooper as a champion of states rights on page 291, and again, in the same rôle, on page 415. "The Mormons" is the heading of both pages 237 and 493.

The range of choice of topics in a survey of social and economic conditions is so large that it is difficult to find a footing for specific criticism. The author is tempted to indulge his permanent or passing interests in the selection of his material. We can well imagine that another writer than Channing would put more emphasis on labor unions and less on religious communities, or would begrudge affording two pages to an incident (Pittsburg, pp. 80, 81), when there are so few pages to devote to the principle. But there is no arguing with tastes—and Professor Channing has a remarkable aptitude for the acquisition and exploitation of curious sources in the shape of pamphlets, sermons, letters, and the like. The student may have misgivings at times that the particular matter which he is reading is not worth the space given to it by Professor Channing, but there is no doubt that the matter is presented in a fascinating way. Indeed, the first half of the book, in spite of its rather arbitrary selection of material, seems to the reviewer superior to the second half in originality of attack and freshness of treatment.

Perhaps it is too much to ask originality and freshness in the presentation of our political history from 1815 to 1848. The big topics, like the tariff, nullification, the second bank, the Missouri Compromise, the Monroe Doctrine, Texas, and the Mexican War, have been so thoroughly worked out by McMaster, Schouler, Burgess (whom, singularly, Channing does not mention), and a host of writers of monographs, that there seems to be little more to be said about them. Professor Channing tells the story in orthodox fashion, with skilful arrangement to fit his limited space of 300 pages, and with careful documentation. On a few points, such as his rather favorable judgment of Jackson in the matter of removals from office (p. 389 *et seq.*) and his sympathy for the American position in the Mexican War (p. 550 *et seq.*), Channing departs from the traditional view. He also finds time now and then for a

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very illuminating digression or summary, like his pages on the farmer and the banker (p. 434 *et seq.*) and his exposition of our strained relations with Great Britain in Monroe's presidency (p. 330 *et seq.*). On the other hand, the exigencies of space, joined to a native inclination to a concise, and even laconic, style, sometimes lead the author to a seriously incomplete statement of important events. For example, he speaks of Canning's visible loss of interest in the Monroe Doctrine after some conversations with Rush, and assigns as a rather cryptic "probable" reason for Canning's coolness that "he had used such assertions as Rush had felt himself willing to make on the general theme of French interference in America to coerce the French government into holding its hands or, at all events, into not doing anything" (p. 344). But in place of this vague conjecture, which can connote little to the student, Channing might have cited the promise given to Canning by the French minister at London, Count Polignac, on October 9, 1823, that the French government would not interfere in Spanish America to restore the revolted republics to Bourbon rule. The vacillating behavior of Henry Clay on the subject of the annexation of Texas (p. 544) could have been explained more clearly by some discussion of the choice of the annexationist Polk instead of the anti-annexationist Van Buren as the candidate of the Democratic party in 1844. Again, the defeat of Clay in 1844 is dismissed with the conventional statement that "Birney drew enough votes away from the Whig electors in New York to give the electoral vote of that state to Polk and thereby made him President" (p. 545). This is not an adequate account of the election. Garrison has shown in his volume on *Westward Extension* in the "American Nation Series" (p. 137 *et seq.*) that the issue was a much more complicated one than the simple inroad of the Birney forces on the Whig vote of New York, and that Clay might well have carried New York and still have been defeated if he had failed to secure Kentucky and Tennessee. In an elementary textbook such points as these must often be omitted for lack of space; but one feels the lack of proper qualifications and explanations in a work as exhaustive and authoritative as Channing's.

There are a few points on which the reviewer would take issue with the author. In the light of the fierce debates and defiances over the Missouri Compromise is it not granting a moratorium of a dozen years to say that "the failure of the anti-slavery movement in Virginia in 1832 . . . inflamed the abolitionists at the North, and pushed the two portions of the country farther apart" (p. 145)?

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Conversely, in view of the rapid formulation of the pro-slavery states rights doctrine by Calhoun, Dew, Harper and others, about 1830, is it not premature to say that in the presidency of James Monroe the Southerners "developed the solidarity of society to the southward of Mason's and Dixon's line that was to become apparent to everyone in 1850" (p. 307)? Certainly it is premature to speak of the Whigs in the presidential campaign of 1832 (p. 443), and misleading to say that "the Whigs put forward as their candidate General William Henry Harrison of Ohio" in 1836 (p. 458). There was no regular Whig nominee that year. The new party hoped to attract enough votes for "favorite sons" in various sections of the country to prevent a majority for Van Buren and throw the election into the House. Fulton was by no means the first man "to apply steam to the propulsion of boats" (p. 2); Eli Whitney did not "perfect" the cotton-gin (p. 121); not many critics, we think, would agree that "Ralph Waldo Emerson was the clearest thinker that the world has ever seen" (p. 304); many historians would question whether "Crawford, . . . had he been well, would probably have been elected" in 1824 (p. 354), and, indeed, Channing himself states three pages later that "long continuance in office and long-continued intriguing for the presidency had greatly diminished his [Crawford's] hold upon workers and voters" (p. 357). In cataloguing the tariff acts after the second war with England, Channing omits those between 1816 and 1824 (p. 72), and speaks only of the tariff act of 1832 as nullified by the South Carolinian Ordinance (p. 429). On page 359 Channing attributes the good feeling between Jackson and Adams in the election of 1824 to the fact that Adams had defended "the General's Florida deeds in 1818"; yet on page 424 he says that Jackson believed that it was Calhoun who had defended him, and that only some time *after* 1824, but exactly when cannot be stated . . . those around Jackson began to hear suggestions that it was Calhoun who had been Jackson's enemy in 1818." These statements are confusing.

If criticisms and queries seem to bulk large in this review, they do not signify any lack of appreciation of the consistently high character of Professor Channing's work. Students of American history owe the author a great debt of gratitude for his fruitful devotion to an amazingly exacting task, and are well paid, with this new volume, for the patience in which Professor Channing's conscientious workmanship obliges them to possess their souls.

DAVID S. MUZZEY

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Moltke. By Lieut.-Colonel F. E. WHITTON, C.M.G. New York, Henry Holt and Company, 1921.—xi, 319 pp.

To weave into one pattern the personal, political and military phases of a life so long prominent as that of Moltke, and so long identified not only with Prussian and German but with international history, is a difficult task. Success requires a wide and exact familiarity with the history of the time, and a careful apportionment of space and emphasis. The reader of the biography wants, not only a study of the military strategy and operations of the Danish War, the Austro-Prussian War, and the Franco-German War, but, in their proper perspective, a grasp of the political and diplomatic background and a vivid likeness of the personality and character of the central figure.

Colonel Whitton has scored a marked success in this one-volume life of von Moltke. Although the book may not attract as much attention as some other volumes of the series in which it appears (Makers of the Nineteenth Century), as Lord Charnwood's *Lincoln* and Cook's *Delane* of *The Times,* it is a sound, well-balanced and well-written piece of work, reflecting credit upon its author.

On the personal side, the reader is given from time to time intimate glimpses through extracts from personal correspondence of a tender, even of a sentimental, side which is seldom associated with the thought of the grim, taciturn Chief of Staff of the German army. His deep and abiding affection for his mother and his love for his wife, his attention to his personal affairs, reflected in his letters, are brought forcibly to the reader's attention on occasions where the biographer might easily have yielded to the temptation to spend all his available space upon the details of a campaign. At the crowning point of success in the Franco-German War, Moltke writes: "If only Marie had lived to see these times." Less than a week after the fall of Metz he sends home a long letter, two-thirds of which is devoted to minute inquiry and instructions about his country estate. His charity toward the vanquished is shown by an exclamation after the Austro-Prussian War: "A vanquished commander! oh! if outsiders could form but a faint conception of what that means! . . . A general, too, so deserving, so brave, and so cautious." The deep personal belief in a peculiarly German God, so evident in all the prominent leaders in German history, is inherent in Moltke, as in his note after Königgrätz: "God's omnipotence led on our banner to victory; He alone lent strength to our army."

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The biographer is not blind to von Moltke's deficiencies: indeed, he gives us the impression of being just and clear-sighted. He criticizes especially von Moltke's writing, as in commenting upon von Moltke's history of the Danish War of 1848-1850: "the volume is without any marked literary grace . . . a disappointing feature of the book is the absence of a wide critical survey of the strategic aspect of the war . . ." (p. 62). And again, after calling attention to the deficiencies of the Intelligence Service and of the handling of the cavalry arm in 1866, the biographer notes: "It may without unfairness be urged that the unready state of an important department, and the faulty handling of an arm which is the most important one at the opening of a war, do, in some measure, reflect on the Chief of Staff who had been the virtual commander of the Prussian army since 1858" (p. 122). It may be remarked in passing that this ignorance of the function and handling of the cavalry arm was common to all Europe in 1866, and need not have been debited especially to von Moltke.

Somewhat less attention than the reader may expect is paid to political background, and to accompanying political and diplomatic developments during the active career of von Moltke. Some of the statements in Colonel Whitton's general background are inaccurate and misleading; for example, on page 3 he speaks of Prussian iniquity in her eighteenth-century wars including "three robberies of Poland"; again, he gives an impression of Frederick William III as a vigorous and resolute monarch, pages 6 and 19. In the accompanying political and diplomatic developments, the influence and prominence of Bismarck might well have been further emphasized. As it is, the Prussian king is given credit (p. 63 and again p. 162) for decisions which were solely the result of Bismarck's advice and influence.

In the handling of the military part of the book there is an undercurrent of depreciation of the Germans, which is not sufficiently marked to mar the value of the work, but which could not have appeared in a study written before the late war. There is a little overemphasis on the modern note of apology for the blunders of France in the campaign of 1870. More than once in showing the French estimate of the situations which arose from the war, the author states that the military leaders of the Empire had their fingers on the key, which, if pressed, would have inaugurated victory. A genuine regard for the truth of history, however, compels him to show with what unfailing accuracy they pressed the wrong key.

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The discussions of the campaigns offer no marked deviations from the best criticisms of the wars which Moltke conducted. Colonel Whitton has had the benefit of Marshal Foch's comments on the subject and has used them to advantage. Wisely, however, he refuses to commit himself with the Marshal in the matter of the French and German schools of strategy, and takes the view that the determining struggle between the two has not been fought. The success of Gravelotte, the author says, is credited to the German school by only a narrow margin; but he adds that the first Marne was a French victory by a very similar fall of the dice.

The most serious criticism to be made of these chapters is that when the troops begin to move, the individuals are lost sight of in the mass. Battles are won as a game is played. Battalions move like pawns on the board. But only once or twice, and then faintly, do we catch a glimpse of the man who is playing the game and moving the counters. Mr. Williams, in his Editor's Preface, points to the difficulty of portraying the human Moltke. We did not expect that. But we did want the un-human one. We looked for something to show us that Brain, which was Moltke, that lay behind the German successes — something which would show us that Will at work. For even with an intellect such as his, those momentous decisions were the result of effort. The orders which achieved victory came from a human mind, and not a printing-press; and if we could not have the Chief of Staff, we wanted at least that impersonation of force which was Helmuth von Moltke.

Lucius H. Holt
Colonel, U. S. A.

Alexander W. Chilton
Major, Infantry, U. S. A.

West Point

Out of My Life. By Marshal von Hindenburg. Translated by F. A. Holt. New York, Harper and Brothers, 1921.— Two volumes. x, 267; 296 pp.

These volumes inevitably suggest a comparison with the memoirs of General Ludendorff, and it may be said at once that the field-marshal's reputation is as much enhanced by his autobiography as that of his quartermaster-general was lowered by his *apologia.* The colossal arrogance and sustained ferocity which make Ludendorff's book so distasteful are refreshingly absent; instead, Hindenburg has

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written, in a pleasant, unpretentious manner, the narrative of an honest soldier called to a task for which he had no particular qualification or training, who did his best and, when the end came, made little effort to saddle someone else with the responsibility of defeat. Unlike Ludendorff, he does not belittle his comrades in arms or denounce the civil government; he is content to tell his story, to give credit to others, and to leave the verdict to posterity. And in the making of that verdict it will not be forgotten that when Ludendorff and William II had fled, when civil government and home front had alike collapsed, Hindenburg "remained at his post" (as he very simply puts it), brought home the remnants of his shattered army, and rendered invaluable services to the Republic which he despised. Precisely because it seeks neither to exculpate nor to excuse, his book is the most pleasing and the most convincing of all the explanations offered to the German public, and one cannot help feeling that if the essentially tolerant spirit of Hindenburg had dominated the German army from the beginning of the war, peace would have brought with it less hatred and bitterness.

Not that Hindenburg was other than a thorough Prussian. A long line of military ancestors predisposed him to regard the Prussian royal house as "the prop and pillar of the Fatherland" and inspired him with "the good old Potsdam spirit"; he states bluntly that the old army was built "on right lines", and records his "unshakable conviction . . . that the old German spirit will descend upon us again". Yet he belonged to the Bismarckian rather than to the Wilhelmian era. An officer in the campaigns of 1866 and 1870, he understood war "under strong and resolute political leadership combined with clear and straightforward military objectives"; but he also "knew its wholesale encroachment upon every side of human activity too well not to wish that it should be avoided as long as possible". The fact that he voluntarily retired in 1911 because "there was no prospect of war"—an interesting comment on the doctrine of *Einkreisungspolitik*—indicates the gulf between the old and the rising generation of soldiers who were steadily mounting to power under the restless encouragement of William II. It is a pity that not more Germans perceived, before 1914, that "we were venturing into the distant ocean of world politics before our foundations in Europe had been sufficiently secured"; to Hindenburg "as a soldier, the contrast between Austria-Hungary's political claims and her domestic and military resources was particularly striking".

As material for the history of the war, Hindenburg's sketchy book

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is not to be compared with Ludendorff's detailed account. But it helps dispose of the legend, current during the war, that the field-marshal was a mere figure-head, for he played an important rôle as mediator. Accustomed to court and society, free from prejudice or envy, easy of approach, he was well fitted to smooth over differences that were constantly arising between the military and civil authorities or between Germany and her allies. When critical decisions were necessary, it was he who reported them to the Emperor, of whom he always speaks, with deep reverence and evident sincerity, as "my All-Highest War Lord"; when distinguished visitors appeared, it was he who entertained them. Content to let Ludendorff manage the details of operations, he nevertheless assumed full responsibility for the Hindenburg program and for the offensive of 1918, which, justified by his "confidence" in the German army, was the only alternative to "a slow death by exhaustion" and was forced by "the regrettable decay of the power of resistance of our allies".

Toward those allies he is less bitter than Ludendorff, if equally critical. He frequently complains that the Austrians "had too little confidence in themselves" or that, while aware of their defects, "this knowledge was not always accompanied by the resolution to repair the damage that had been done". The Bulgarians were thoroughly selfish and unreliable, while the Turks were the essence of loyalty, although "from a military point of view" their Pan-Islamic ambitions "always tended to deflect Turkey into wrong paths". Interesting admissions are that the German "spy system produced only miserable results" and that the United States "understood war". Like Ludendorff, he admires the resisting power of France—"Among us Clemenceau's battle-cry, 'I make war!' found the echo, 'We seek peace'"; nor did he misjudge Britain—"English prisoners at the end of 1917 spoke in the same tone as those at the end of 1914". So we are prepared for his final lament that "the homeland collapsed sooner than the army".

The most startling passage in the book deals with President Wilson's attempted mediation; Hindenburg speaks of the address of January 22, 1917 as "a declaration of war rather than a peace proposal", but he goes on:

> In October, 1918, I learned from certain publications that immediately after his message to the Senate, President Wilson had informed the German ambassador in Washington of his willingness to take official steps for peace. The news had reached Berlin on January 28th. Until

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the autumn of 1918 I had never heard of this step of Wilson which apparently went pretty far to meet us. I do not know, even today, whether mistakes or a chain of adverse circumstances were responsible.

Ludendorff's account (*Own Story,* vol. I, pp. 379-81), while not explicit, leaves the impression that Hindenburg was present at the discussion of this proposal with the Emperor. The point should be cleared up, but is perhaps immaterial, for Hindenburg adds that "war with America was inevitable at the end of January, 1917".

Just a word must be said about the readable style and the excellent translation. But the publisher should have known that the title "Marshal" is not used in the German army.

BERNADOTTE E. SCHMITT

WESTERN RESERVE UNIVERSITY

Mexico and Its Reconstruction. By CHESTER LLOYD JONES. New York, D. Appleton and Company, 1921.—xi, 330 pp.

As results of the study of Mexican conditions which began in the fall of 1917 under the auspices of Mr. E. L. Doheny, there have now appeared seven books. Two are by Walter Flavius McCaleb,[1] three by Wallace Thompson,[2] another by Fred Wilbur Powell,[3] and the seventh is by Dr. Lloyd Jones. Together they present the chief interests which invited the attention of the body of men and women enlisted in the investigation. As yet no works have appeared which devote themselves specifically to the petroleum situation, the mining industry, the educational interests, or the agrarian problem.

Mexico and Its Reconstruction includes a wider range of topics than any of the other volumes mentioned, save perhaps Mr. Thompson's *People of Mexico,* this latter being a survey of many phases of the social problem in Mexico. It contains much of value, the chief defect being that it presumes an untenable thesis, namely, that the Mexican nation is a reversion to the Indian type, and that in order to survive it must be dominated by a white race, the inference being that foreign investors will provide the dominant element. This

[1] *Present and Past Banking in Mexico.* New York, Harper's, 1920.
The Public Finances of Mexico. New York, Harpers, 1921.

[2] *The People of Mexico; Who They Are and How They Live.* New York, Harper's, 1921; *Trading with Mexico,* New York, Dodd Mead and Company, 1921; *The Mexican Mind, a Study of National Psychology,* Boston, Little, Brown and Company, 1922.

[3] *The Railroads of Mexico.* The Stratford Company, 1921.

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ethnological and social deduction will not stand in face of the assimilation of the conscient population to the European type. Mexico is fast becoming a mestizo nation, just as surely as the United States is a creole nation, a native white people of European forbears. The half-Indian blood, the glorification of Indian forbears and virtues, the pride in the accomplishments of notable full-blooded Indians, is a Mexican trait of glorifying the happily dead past, and does not gainsay the obvious truth that the Mexican social ideal is as European as our own. Indeed, it is more strongly so in art, literature, architecture, philosophy — in most of the factors with which the Doheny group did not concern itself.

Dr. Lloyd Jones, recognizing that there never has been a Mexican "people" — by which he means that the numerous ethnic entities have never arisen to a sensibility of common spiritual possession of and identity with their geographical area—approaches his study from the angle of the need of developing more fully such a sense of nationality plus appreciation of international obligations and economic interdependence. That is to come about, he thinks, by operation of forces from within—witness the present educational expansion—rather than by the superimposition of authority or direction from without, though the influence of American non-governmental agencies must be brought into fuller play than hitherto if success is to be obtained within a measurable period.

There is little in the volume with which to disagree. There are noticeable omissions. Some treatment might have been given to the influence of radical socialistic thought from the United States and Europe on the temper of Mexican laborers and politicians in their enmity to foreign capital. The mistaken policy of American labor elements in intervening in the social struggle in Mexico has been as unfortunate as the fact that much of the profit from foreign investment goes steadily out of the country. It is because of this deprivation of the "unearned increment" that the infiltration of foreign brains, energy and capital is irksome to the Mexican as he becomes economically conscient. And not even the taxes derived from all the exploitation benefit the public at large, it being notorious that heavy percentages of governmental receipts are misapplied or misappropriated. These are the underlying causes of the unrest of more than a decade, and until they are conquered there will be no reconstruction without alternating periods of confusion, injury and menace.

Dr. Lloyd Jones presents in twenty-one chapters some ten or eleven topics, all concerned chiefly with the period since independence.

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References to the colonial period are scant, and deductions drawn from it are marked by unfamiliarity with its literature and by the common characteristic of American and Spanish-American writers, that of belittling the Spanish colonization, always with Anglo-Saxon accomplishment of the present time as the unconscious basis of comparison. In his economic chapters the author would have done better had he consulted the six-volume edition of Bancroft instead of the 1914 one-volume revamp of that work. The select bibliography, covering eight pages of titles of books and periodicals, has a few other notable omissions, among these being several works on petroleum and on the Constitution of 1917 by Mexican authors. Some of the included works are propaganda material scantily reliable, as, for instance, T. Esquivel Obregon's *Influencia de España y los Estados Unidos sobre México.*

The discussion of the government of Mexico and the sections on foreign status, petroleum demands, and border troubles are admirable in material and reasonable in tone. Probably the best chapter in the book is the last one, on Mexican-American relations. Without being tedious it shows that the two nations have often solved irritating problems by using common sense instead of sticking to "meticulous insistence on respect for technical rights under international law" (p. 288). Wider vision on both sides will increase the speed of approach to an *entente cordiale* and leave agonized fear of political absorption as far out of the minds of Mexicans as it is from those of the masses of Americans.

HERBERT INGRAM PRIESTLEY

UNIVERSITY OF CALIFORNIA

Histoire générale de la Chine et de ses relations avec les pays étrangers depuis les temps les plus anciens jusqu'à la chute de la dynastie mandchoue. By HENRI CORDIER. Paul Geuthner, Paris, 1920. 4 vols. 572, 432, 428, 425 pp.

In these days of increased interest in China the appearance of a substantial history of the country is most timely. We have many studies of contemporary conditions and problems in the great Asiatic republic, in the form of articles and books. One difficulty with most of these, however, is that they lack sufficient historical background. To attempt to understand or to describe the China of today without a knowledge of the nation's past for the last twenty-five hundred years, would be as futile and misleading as would a study of con-

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temporary Europe with a similar deficiency. There has, however, been a dearth of good detailed histories of China. There are a number of one-volume narratives, such as those by Pott, Macgowan, Li Ung Bing and Hermann. There are larger works, as, for instance, those by Manilla and Boulger, and there are studies of particular periods and phases of the history of the country, such as Chavannes' uncompleted translation of Ssu Ma Ch'ien and Hirth's less pretentious *Ancient History of China.* Many of these monographs have made important contributions to our knowledge of China and are comparatively recent. For a general history of the country, however, the shorter works are either poorly done or are inadequate because of their brevity, and the longer works are entirely too old. Until the appearance of M. Cordier's volumes we had no recent good general work.

In some ways the volumes before us have met the need. They are by one who for many years has been working and writing in Chinese history. He has become familiar with the literature in European languages through the preparation of his monumental *Bibliotheca Sinica* and his editorship of *Toung Pao.* He has gone over with great care the history of the relations of occidental powers with China, and has published his results in many excellent and painstaking books and articles. On the basis of this knowledge and study these volumes come as a kind of climax to a long life of scholarship. They are, on the whole, well proportioned. Two volumes are taken to bring the story to the accession of the Ming dynasty (1368) and another to 1820. In spite of the subtitle, more attention is paid to the phases of Chinese history that are not connected with Europeans than is the case with most of the histories of the country. This, of course, is commendable, especially since a summary is made of the relations with occidental peoples and the subject has been discussed at length in other books, including some excellent ones by the same author. The work is based, moreover, on recent as well as older studies of China. In no other historical account are these so well used.

In spite of all the excellencies of M. Cordier's work, the careful reader is disappointed. In the first place, the author apparently has not gone to the Chinese for his sources. Such as are referred to are available in translation, and it is in this form that they seem to have been used. No one would think of writing a reliable history of Rome who had not used the Latin sources or had read them only in translation. And yet this is what M. Cordier seems to have tried to

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do for China. He has rendered a real service in constructing a narrative out of what is available in European languages, but no account which is not based upon a careful study of at least a large part of the best Chinese works can be expected to make any permanent contribution to our knowledge of China. Moreover, the work seems too frequently to be a chronicle, a mere catalogue of facts, and there is little attempt to point out the significance and interrelation of movements and events. The book is chiefly concerned with the political history of the country, and the author fails even to see this in its relation to the economic, intellectual and religious phases of the nation's life. For example, in the chapters on the past twenty-five years there is little or no effort to indicate the connection between happenings in China and in Europe and America, except where, as in the Great War, such a connection is unescapable; and there is still less effort to present the causes and the significance of the changes that China has undergone in the past thirty years. Lack of space cannot be offered as an excuse, for in the same pages other writers have managed both to narrate the main events and to indicate something of their meaning and of their relations to movements in the Occident. In other words, while M. Cordier has given us a work which is of real value, his volumes are useful chiefly because they have no serious competition. He still leaves us in great need of a comprehensive history of China.

K. S. LATOURETTE

NEW HAVEN, CONN.

The Evolution of Long Island. By RALPH HENRY GABRIEL. New Haven, Yale University Press, 1921.—194 pp.

Whether Professor Gabriel's book on Long Island expounds commercial geography with attention to historical development or history with special reference to geography, may be left to the logomachists; he has mentioned neither science in his title, but has buckled them together and blurred the boundary with his general name of evolution. As this title hints, the present state of those societies which have their homes upon this reach of land is explained quite largely in the terms of environmental determinism. Important on the one hand is the sea, a highway and an endless reservoir of food-life; on the other is the city growing from a trading post to be the mighty capital of a continent. Given these factors, life on Long Island, the author almost says, had to develop as it did; "civilization has in no way diminished man's ultimate dependence upon the earth" (p. 12).

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The crustal fall and rise and glacial scouring that brought Long Island to its present character are first vividly described on the basis of two books on geology and one on forest physiography, and then, working from the records, the first settlement on the eastern strands. The chapter titles, "The struggle for existence", "The influence of the hinterland", "Variation and adaptation", suggest the sociological approach which leads to a clear account of the spread of population and the changing economic methods, especially in the fields. The whalers of Sag Harbor and the menhaden fishers, both following their occasional off-shore opportunities at first, but later carried out to sea, are given chapters, and the oystermen are traced through the successive eras of tongs, dredges and the planted beds of large incorporated companies, in contrast to the "scallopers" whose moving prey, however slow, makes property rights impossible. Strangely out of place is chapter ten on "Pirates, smugglers, and the navigation acts", which properly should go before these prosy modern industries. The story of railroad-building is well told from the early thirties, when the line built out across the wastes to Greenport was expected to yield handsome revenues as a link in the route to Boston, down to the recent bridges and tunnels which have made a peninsula of Long Island. There are also interesting sections on gradual improvement of the roads — the "Passing of mud" it is called—and the development of the region as a playground.

But the author's notion of his task is more interesting even than his facts. It will be noticed that there is little biographical notice and little or no mention of government, education, religion, or projects for the improvement of mankind; it is, in other words, a study of the evolution of getting a living on Long Island. It is the kind of local history which will become quite general within the next decade, and would win countless readers if every study could be presented with the art of Professor Gabriel. He presupposes no initial interest, but rather shows so sympathetically the human implications of each change that his story holds attention to the final page. The author chooses picture-words; he does not, for example, say that journeys are made, but men trudge, wagons jolt, masts bend before the wind and steamers creak and puff. The sea-wind and the pine-breeze blow through his pages, leaving always the clean air of reality. Though the book is not a great monument of research, perhaps, it signalizes sharply a trend of writing in the field of history.

DIXON RYAN FOX

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Belgium: The Making of a Nation. By H. VANDER LINDEN. Translated by SYBIL JANE. Oxford, Clarendon Press, 1920.—356 pp.

This history of Belgium from the earliest times down to 1914 is in the main a translation of the *Vue générale de l'histoire de Belgique* published in Paris in 1918. The last three chapters, covering the period since the establishment of the kingdom in 1831, were, however, specially written by the author for the English edition. The book is an excellent compendium, well-informed, well-balanced, well-considered. The confused annals of the middle ages are presented with as reasonable clarity as is permissible considering the tangle. "No land," says the author, "possesses a more international history—a fact which has been brought out with wonderful skill by Henri Pirenne—and it is not paradoxical to assert that one of the characteristics of Belgian nationality is internationalism."

A bone of contention between the rulers of Germany and France and Burgundy, subjected to Spain and then to Austria and for twenty years to France under the Revolution and Napoleon, and finally attached for fifteen years to Holland by the wisdom of the Congress of Vienna, only in the end to be set up as a separate household in 1831, the low land of Belgium has been exposed to every kind of weather and has experienced every strain. "Feudalism began there earlier than elsewhere and became more anarchic than in other places." This the author shows, as he also shows the emergence of Brabant and Flanders, of Luxembourg, of Artois and Hainaut. The splendor of this medieval life in art and commerce, the rich development of urban communities, signified externally by imposing halls and marvelous belfries, the progress of the bourgeoisie to a power and a prosperity that made the thirteenth and fourteenth centuries legendary in the annals of that class, the long period of Spanish rule, fatal in that it involved Belgium in a series of disastrous wars, not only against the United Provinces but also against France, all these and many other aspects of the political, artistic, literary and economic life of this people are here set forth with a concision that does not mean desiccation, with a sympathy that never turns into chauvinism and with a penetration that never degenerates into pedantry. The result is an admirable little book which contrives in some three hundred pages to present not only the territorial and institutional growth of a nation, but the development of a national mind and character as well. All this is possible because the author

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selects his topics with discretion and discernment and treats them with a simplicity and a directness that waste no time or space.

The results of the Franco-German war, says the author, were disastrous for Belgium. Alsace and Lorraine passed into the hands of Germany, and the valley of the Meuse thus became the obvious line of operations in the event of a new war between Germany and France. This was seen by a few shortly after 1870, to become obvious to all much later. Now that the tempest has swept by leaving colossal ravages in its wake, now that Alsace-Lorraine is no longer German, now that the famous and precarious neutralization of Belgium has been abandoned, and now that the national spirit has been heightened, the national independence consolidated as never before, the future of this highly industrialized nation seems assured. It would be difficult to find the fundamental reasons for this optimism more adequately exposed within a brief compass than in this instructive and trustworthy book.

CHARLES DOWNER HAZEN

A Political History of Modern Europe. From the Reformation to the Present Day. By FERDINAND SCHEVILL. New York, Harcourt, Brace and Company, 1921.—xiv, 663 pp.

Professor Schevill's book on Modern Europe was first published over twenty years ago. It is well known to teachers and students and has been well liked because of its excellent arrangement of material, its fairness of judgment, its exceptional readability. The new edition differs from the one that has been so long on the market only in the addition of three chapters, which bring the narrative down to 1922. With the exception of these chapters, which cover seventy-five pages, the book is a reprint, no changes having been made in the earlier text, none, indeed, having been required.

In the opinion of the reviewer, it would have been better had the three new chapters not been written, for they present a view of the causes of the war which would be much more appreciated in the schools of Germany than in those of the United States. Speaking of the entrance of the United States into the war, Professor Schevill says that President Wilson's proclamation of neutrality was "largely welcome as affording us time for study and reflection", and that during the subsequent two years and a half opinion had time to inform itself as well as to arrive at some kind of judgment touching the merits of the case. "Gradually light broke and the conviction

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became general that the war was the result of a chain of rivalries and rancors reaching back for generations and involving every sort of bitter contention over markets, raw products, colonies, military and naval establishments—in sum that it was a question of imperialism." In another place the author expresses practically the same idea: "The human rancors, piled mountain high by the too ardent pursuit, ever since the industrial revolution, of selfish material and imperialist aims, suddenly leaping to a flame, enveloped the globe with a ring of fire."

This is the thesis. The war was the result of clashing imperialisms. Of these imperialisms that of Great Britain was the most successful and those of France and Russia the next most successful. German imperialism, really dating from the early years of the reign of William II, had the effect of causing the three others to smooth out their differences, which had been so constant and which were now threatened by the unwelcome intruder. As a consequence the Triple Entente was concluded and henceforth Germany labored under certain disadvantages. Each and every imperialism depended upon sea-power, and "with Great Britain flanked by France and Russia blocking the sea-paths, German imperialism was threatened with paralysis". Hence the German complaints about encirclement, and the German attempts to spring the Entente asunder by means of the Moroccan question, attempts that were vain, Germany for her efforts being compelled to yield to France "after having had thrown her by the republic as a sop a relatively worthless piece of central African jungle"—an unexpected way, be it said in passing, of summarizing an incident notorious in contemporary history.

The war then was caused by competing imperialisms and by rancors and rivalries generations old. In a certain sense, in the reviewer's opinion, the war was the result of everything that had occurred on the globe since the dawn of history and its responsible author was the entire human race. But after making this comprehensive remark, which sufficiently diffuses responsibility and which may be applied also to any private crime or dereliction from duty, one reflects that imperialisms cannot clash of themselves, that they are not impersonal forces subject to no human control, that as a matter of fact they are directed at any given moment by certain individuals, and that consequently it is a subject of legitimate curiosity to know the conduct of the chiefs of states in a time of crisis like that of 1914. "Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh!"

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There is no mention in this book of German militarism or of Pangermanism as contributing to the great calamity. The Russian mobilization is apparently considered the thing that rendered inevitable the general war. The attempts made by Grey late in July, 1914, to preserve the peace are not alluded to. The name of Sir Edward is, indeed, among the missing. This is regrettable in itself, but all the more so as the author might have been led to refer to Sir Edward's recent efforts to adjust the disputes between Great Britain and Germany, as those between Great Britain and France and Russia had been previously adjusted. Had Grey succeeded in his efforts competing imperialisms might, after all, not have clashed and secular rancors might not have led to war. It is not charged that Sir Edward was responsible for the failure of those negotiations.

In Professor Schevill's account of the war the name of Joffre is not mentioned, although those of Hindenburg and Mackensen are. Not even a paragraph is given to the part America played in the war and the name of Pershing is not to be found, although considerable space, comparatively speaking, is given to Wilson's peace principles and policies. It may be remarked in closing that it is incorrect to say that of the thousand victims of the Lusitania "several hundred" were of American nationality; nor was the Young Turk Revolution of 1908 subsequent to the Austro-Hungarian annexation of Bosnia, as is apparently stated or implied on page 561.

Charles Downer Hazen

The High Cost of Strikes. By Marshall Olds. New York, G. P. Putnam's Sons, 1921.—xx, 286 pp.

The increasing employment of quantitative measurement in the study of social problems is one of the most significant tendencies in modern economic research. Such quantitative measurement is particularly appropriate in determining the degree of efficiency of present industrial methods and the cost to the community of faulty industrial practices. The work of the Hoover Committee on Waste in Industry has demonstrated how fruitful such a method may be.

The author of *The High Cost of Strikes* faced a similar problem, that of measuring the cost to society of industrial stoppages due to the use of the strike by organized labor. Such a study gave promise of yielding results of wide interest and great value. These hopes are not realized in the book at hand. As a partisan argument the

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book perhaps justifies itself in the eyes of those whose views it expresses. But accurate measurement, impartial judgment and reasoned conclusion have not entered into the making of it.

A single quotation will serve to make clear the main argument of the book and to exemplify the errors into which the author falls. "The war made it necessary to take the labor of some six million men away from being applied to the production of normal commodities. This resulted in such a reduction in the amount of normal commodities produced that prices went up one hundred points—fifty points a year. Then these six million men supposedly went back to the production of normal commodities, but in the first year after the war, because of strikes or labor inefficiency—which, because of what we know about the efficiency of American labor, can be laid only to the spirit of strikes—they so failed to produce the goods the country needed that prices went up sixty points still higher, or more than they had in any year during the war" (pp. 83-84).

Part of this assertion is capable of verification, if true, for the course of production and the movement of prices during the war have been traced by several competent authorities. Following are two indices of the physical volume of production and an index of commodity prices at wholesale.

	War Industries Board Index of Production.	*Day's Index of Production.*	*U. S. Bureau of Labor Statistics, Index of Wholesale Prices.*
	(1913 = 100)	(1913 = 100)	(1913 = 100)
1916	111	111.4	124
1917	114	113.9	176
1918	116	113.1	196
1919		107.0	212

The physical volume of production in 1917 was between 2 and 3 per cent greater than in 1916. Prices were 42 per cent higher. The volume of production in 1918 was approximately the same as in 1917 (the two indices show a slight variation), but prices rose about 11 per cent. Production in 1919 was about 5 per cent less than in 1918, and prices rose about 8 per cent. (If the comparison be made on the monthly basis, the price increase was 15.5 per cent.) Liquidation in 1920 brought with it a concurrent decline in prices and in the volume of production. These figures indicate that prices may rise with increased production, and may fall when production is declining. Such a direct relationship is the normal one, in fact. Over the ten-year period, 1911-1920, prices and the volume of production

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increased or decreased together during eight years, and moved in opposite directions during only two years.

In the face of these facts it is difficult to maintain the thesis that the basic cause of high prices is lessened production. Yet such is the claim of the author. Inflation is dismissed as a minor factor: ". . . it is as simple as ABC that the very fact that we have more money means that we have relatively less consumable products, and that the one economic way to equalize the relation between money and consumable products is to increase production" (p. 79). This is curiously reminiscent of much that was heard two years ago, and curiously out of place in a book published in 1921.

The problems which modern industry faces are tangled and difficult, and there is pressing need for careful investigation and reasoned judgment in meeting these problems. With this urgent need to be met, it is doubly to be regretted that the author of *The High Cost of Strikes* has not prepared an exposition bearing more convincing evidences of scientific disinterestedness.

FREDERICK C. MILLS

COLUMBIA UNIVERSITY

Immigrant Health and the Community. By MICHAEL M. DAVIS, JR. New York, Harper and Brothers, 1921.—xxviii, 482 pp.

This book has to do with the care and promotion of health among the foreign population, and its purpose is "to help interrelate the so-called Americanization movement in the United States with the many efforts toward the betterment of health conditions." The war experience led many to see that the assimilation of many millions of people of foreign birth into our nation implies more than teaching them English or getting them naturalized. The widely heralded American ideals of liberty and equality of opportunity are presented with some difficulty to our immigrant people, in view of the congested and unsanitary housing conditions amid which they live, and the exploitation and industrial hazards which accompany their efforts to secure a living. Their contacts are too often with the worst in American life.

The seriousness of health problems among immigrants is impressed upon the reader by contrasting the available sickness and death rates of the foreign population with those of the native-born. The elements in the environment which constitute a menace to the immigrant's health are described: unsanitary housing; difficulties of

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preserving a balanced diet with unfamiliar foods; change of occupation; dependence upon the midwife and the medical quack or the corner drug store for most of his medical service; inadequate facilities for self-help, and suspicion or ignorance of the medical resources of the community as represented by the clinic, dispensary and hospital; the handicaps of superstitions, strange customs, and language barriers which make up the foreigner's background and interfere with adjustment in the new environment. How shall these problems be attacked?

The key to the author's solution appears in the very first chapter—*study people as well as technique.* "The beginning of Americanization is with Americans." Knowledge of immigrant backgrounds and characteristics as well as of medical science and health work is essential to a proper point of view and must precede an intelligent and democratic approach to health work. Are the foreign-born intelligently cooperating with the school nurse or the health department? Are they being exploited by the medical quack because of ignorance or suspicion of American medical facilities? Do they know how to avoid the hazards of industry, or what is meant by a health examination? The problem is largely one of education and of securing confidence and cooperation.

Some health workers hold the "big-stick" theory of getting things done. They would use compulsion and raise sanitary standards by police power and penalties. Customs and ideas which interfere are regarded as un-American, and there is at least a tacit assumption of the inferiority of the immigrant. But the promotion of health and the prevention of disease is not simply a negative matter. It is a constructive program in which the wise use of authority is necessary, but more depends upon education and intelligent cooperation. Therefore the author counsels the democratic theory of getting things done, which involves the 100-per-cent idea, exemplified by the modern health center which seeks "to do things for everybody and to do things together within a given district." This plan requires a study of community needs and an appeal for local cooperation which cannot be secured by mere use of authority.

Following out this thesis that American health agencies must adapt their methods to the background and understanding of the foreign population, the author discusses public health field work, the hospital, the dispensary, health work in industry, and activities localized in neighborhood health centers from the point of view of their shortcomings and opportunities. From these criticisms is de-

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veloped a definite and constructive health program for the community, small or large, which seeks to prevent disease and care for the health of its foreign population.

ROBERT E. CHADDOCK

The Writing of History. An Introduction to Historical Method. By FRED MORROW FLING. New Haven, Yale University Press, 1920.—195 pp.

Within a space of two hundred small pages, Professor Fling has sketched the character of history, the methods of collecting data, the procedure of critical judgment on their value, the synthetic grouping of the facts, and the art of exposition of historical truth. "It was written," states the foreword, "for college students who are beginning their studies in historical research, for teachers of history who have no critical historical training, and for students of history who are hoping to find in private study some compensation for opportunities not enjoyed in college"; really its appeal will be confined to the more able and ambitious of these classes.

The author has thought long and written much upon historical method and source problems and has developed clear ideas. He believes with the German Rickert that the historian must emphasize the peculiar, indeed, the unique, in each person and each circumstance, leaving to the sociologist the search for similarities and the responsibility of generalization. If this is a sound distinction, most historians will discover that they have been guilty of a shameful trespass, and yet many will, no doubt, contentedly remain quite unregenerate. This philosophy, however, as is frequently the case, does not deeply color the book, most of which is taken up with practical advice on choosing a subject, criticizing sources and formulating narrative. It is like a scientific lecture wherein demonstrations are repeated chiefly from the author's rich experience in the historical materials of the French Revolution. The reader is impressed with the likeness of historical technique to that of the detective as well as of the judge and the advocate. Thoroughness is the constant counsel. "Let the young investigator set his standards high and then limit the scope of his work so that it will be possible to live up to the standards he has set. When he has once learned what excellent work means, he will be content with nothing less, if he be animated by the spirit of scholarship" (p. 49).

There is not much discourse on palæography or diplomatics or

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epigraphic mysteries, attention centering on material of modern times in which the scriptural conventions are not so important a matter. Is the supposed source a genuine contemporary item or a forgery? Who wrote it? Does it represent first-hand knowledge or is it a compilation from other sources? Do the facts it states check up as true? How can the facts best be grouped for presentation? Such are the questions asked and elaborately discussed; the rest is given to literary art and scientific form in such matters as notes and bibliography. There is a fine atmosphere of honest scholarship throughout the book and it will be an influence for the best standards wherever it goes. Professor Fling has taught far beyond his classroom and set his helpful hand upon many a page of history yet to be written.

DIXON RYAN FOX

What Japan Wants. By YOSHI S. KUNO. New York, Thomas Y. Crowell Company, 1921.—viii, 150 pp.

The author of this little book, himself a Japanese who has lived many years in the United States, is in every way well qualified to present the desires of his country in a manner that will win for them the favorable consideration of the American reader. He has, indeed, been rather severely criticized in the past by some of his own people, because he has sought to do full justice to the American view when discussing the question of the Japanese in California. In the book under review he says, in the chapter "What Japan Wants in America"—

> On the whole, the Gentleman's Agreement has been faithfully adhered to. However, it has functioned in a most unexpected way, and the outcome is a condition entirely unforeseen. Instead of checking immigration, as was intended, the agreement has brought about directly opposite results, and many perplexing problems have arisen therefrom.

He points out that before 1911 the Japanese in California were nearly all males but that after the organization of the Japanese Association Japanese sent for wives or picture brides, brought over other relatives, established Japanese schools, and had their wives go to work in the fields or as housemaids. The birth-rate of Japanese in California was very high; their numbers greatly increased; they segregated themselves, set up governments for themselves and by combination obtained control of the smaller agricultural products.

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He notes the measures taken by California to meet this situation, citing the Anti-Alien Land Law of 1913, which provides that foreigners ineligible to naturalization may neither buy nor inherit land in California, and the more recent amendment which prohibits the leasing of agricultural lands by aliens ineligible to citizenship and which forbids such aliens to become guardians of minors in whose names such lands are purchased. This amendment, Mr. Kuno believes, will prove to be as ineffectual as the law of 1913. He says: "There are at present more than a thousand native sons of Japanese parentage in California who are steadily approaching maturity and who will have legal right to organize corporations and thereby purchase land." In this statement he is quite right; Japanese born in the United States are American citizens and can purchase or lease as much land as they like.

In the chapter on "What the Japanese Want in the Pacific Ocean" Mr. Kuno has anticipated in part the provisions of the recent Washington Naval Agreement requiring the preservation of the *status quo* as regards the fortification of insular possessions in the Pacific.

As regards China, he falls into some errors. On page 53 I read:

> When the decision on the Shantung question was made public, a number of United States senators and other statesmen of prominence voiced unqualified denunciation, stating that by that decision several millions had been made slaves of Japan and that several hundred miles of Chinese territory had been placed under Japanese control, while in fact the district in dispute comprises but a few hundred square miles and is inhabited by not more than twenty to thirty thousand Chinese.

The Leased Territory of Kiaochow, it is true, contains but 400 square miles; its population, however, is 227,000. But the whole area affected by the lease must include the Neutral Zone. With this the area is 2,900 square miles and the population 1,200,000.

The Chinese, however, whose lives have been affected by the Japanese possession of the Kiaochow Leased Territory are not merely those living at Tsingtao, the port of the territory, for Japan took over a railway extending 254 miles inland, supplanted many Chinese employees by Japanese, placed Japanese troops along the line and at the provincial capital, and used the troops and railway in such a manner as to dominate very largely the life of the province of Shantung, which contains thirty-seven millions of people.

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It is painful to find Mr. Kuno in this chapter making serious reflections upon the morality of the majority of European residents in the Far East. On page 65 he states: "The larger percentage of Occidentals who live in China and Japan live there in a manner quite different from the way they would live at home. The truth of this is attested by the large numbers of Eurasian children in those countries without legal fathers." It is impossible to allow Mr. Kuno's statement to pass uncontradicted since a very large proportion of the Europeans and Americans in China are missionaries with their families, and neither they nor their compatriots in mercantile and official life deserve the reproach put upon them by Mr. Kuno.

The author very wisely discredits the widely circulated report that Japan's density of population requires an outlet for emigration. Mr. Kuno regards as more important to the prosperity of Japan an assurance that she can obtain the raw materials needed for her industries. He calls attention to the economic changes that have been taking place. Japan is becoming a great manufacturing country, instead of remaining as in the past devoted chiefly to agriculture, and is capable therefore of supporting a much larger population than was formerly thought possible. Mr. Kuno also points to a well-established fact, not so well known as it ought to be, that the birth-rate of Japan is declining.

Concerning the government of Japan, Mr. Kuno recognizes that at present it does not really represent the people of Japan. "The Government," he says, "is more cautious and less radical than are the people as a whole." What Japan wants at home, he thinks, is an increase of the franchise. This has been greatly increased of late by reducing the tax qualification from $5.00 per annum to $1.50. But it is in his opinion still too limited, so much so that unscrupulous candidates are able to buy the votes needed for their election.

Mr. Kuno has made an interesting and valuable contribution to the discussion of Japan's relations with the rest of the world and his book deserves to be widely read.

E. T. WILLIAMS

UNIVERSITY OF CALIFORNIA

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Argentine International Trade under Inconvertible Paper Money, 1880-1900. By JOHN H. WILLIAMS. Cambridge, Harvard University Press, 1920.—xiv, 282 pp.

This monograph is addressed to the economist, rather than to the political scientist or to the historian, but it is a useful book for all three. Its purpose is to "make an inductive examination of the theory of international trade and foreign exchange under a régime of depreciated paper money." It is of peculiar interest and importance, therefore, at this moment when most of Europe finds itself in a predicament somewhat similar to that of Argentina in 1891, only much intensified.

The year 1880 marked a turning point in the history of the Argentine republic. It ended sixty years' struggle between two political groups, the Unitaries of the capital and the Federalists of the provinces, a struggle which closed with the "confiscation" of the metropolis, Buenos Aires, as a federal district by the nation at large. Having put their house politically in order, the Argentine people found time and energy to develop the latent natural resources of their country. And they applied themselves to this new task with an ardor and a recklessness that resulted a decade later in one of the most spectacular economic crises of recent history. The price of land rose enormously, foreign capital flowed into the country, especially from England, and railways and public works were projected on a lavish scale. In an era of speculation, the banknote circulation was allowed to increase out of all proportion to the gold reserves in the country, and by January of 1885 the government was forced to decree the temporary suspension of specie payments. The situation differed from that of present-day Europe, however, in that foreign exchange was soon restored to a gold basis. During the incompetent administration of President Celman resumption of specie payments was indefinitely postponed, and the policy of wholesale borrowing from abroad continued unabated; while unscrupulous politicians exploited the occasion for their private benefit and the banks were prostituted to illicit ends. In the years 1886-90, Argentina, with a population of approximately three millions, borrowed 668,000,000 pesos gold. The crash came at the end of 1890, when Baring Brothers of London, financial agents of the Argentine government, were forced into bankruptcy. In 1891 the government defaulted on the service of the national debt, and virtually all of the national guaranteed banks collapsed. The his-

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tory of Argentina from that time to 1899, when the present Conversion Law was enacted, is mostly the story of a slow and painful pilgrim's progress back to national solvency.

Professor Williams works out, in the light of fact and theory, the interrelations among the three most important features of this stage of Argentine development: depreciated paper money, foreign borrowings, and the course of foreign trade. His aim is to show that, under a régime of depreciated paper, the balance of international payments (in Argentina governed by the influx of foreign capital) exercised a dominant effect through the gold premium on the value of paper money, and through the rise or fall of the latter on the balance of international trade. Other factors being equal, a favorable balance by increasing the gold supply in the country lowered the premium, and a falling premium through its effect on prices and costs stimulated imports and discouraged exports. An unfavorable balance had the contrary effect. The relation between foreign exchange and international trade was therefore the same as in gold-using countries, but the mechanism was different.

The mechanism is here described as it operated in Argentina. The arguments and the facts are laboriously marshalled and reiterated, and the work is well done. But one is left with the impression that the author wrote in great haste, not leaving sufficient time for revision. The consequences are redundancy in exposition, occasional loss of clarity in the use of language, and sometimes a lack of proper articulation between footnotes and text. The index and the bibliography (about 200 titles) also leave something to be desired in the matter of form. A few slips have escaped either the author or the proofreader. On page 58 the note circulation on December 31, 1886 is given as 80,251,380 pesos, and on page 60 as 89,197,000 pesos. On page 182 the average figure for imports in 1866-70 should read 42,000,000 pesos gold, instead of 32,000,000, and for exports the reverse. The fourteen provinces of Argentina united to form a confederation in 1859, not in 1861 (p. 27); Argentina's war against Paraguay began in 1865, not in 1864 (*ibid.*); and Buenos Aires "was declared the federal capital" in 1880, not in 1881 (*ibid.*). These, however, are obviously but minor faults. Everyone interested in South American political and economic history is under obligation to Professor Williams for a very competent and useful piece of work.

C. H. HARING

YALE UNIVERSITY

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The Stock Market. By SOLOMON S. HUEBNER. New York, D. Appleton and Company, 1922.—xv, 496 pp.

The Work of the Stock Exchange. By J. EDWARD MEEKER. New York, The Ronald Press Company, 1922.—xxiii, 633 pp.

Usually, when a professor and a business man discuss the same economic subject their methods of treatment are very different. The difference, generally speaking, is that the business man's treatment is more theoretical and more idealistic. The academic economist has become increasingly timid in making sweeping generalizations. He is so impressed, not to say confused, with the complexity of economic forces that he frequently refuses to venture any conclusions or to pass any judgments, contenting himself rather with a detailed description of practical operations. Much bolder, however, is the business man and his representative, the business journalist. He still sees the economic order dominated by a few grandly simple, eternal laws—laws that bring swift retribution upon those who defy them. But not only is the business man more of a theorist than the professor; he is also more of a moralist. Instead of contenting himself, as the professor is apt to do, with a discussion of how men act and why they so act, he is almost certain to pass a moral judgment on their actions. Matters are considered in terms of "right" and of "wrong". Much is said of the "sacred" right of the laborer to contract freely, of the "sheer robbery" of progressive taxes that "confiscate" the property of the wealthy, and of the "indecent extravagance" of the lower classes who use their excessive wages to buy silk shirts. If anyone doubts this idealistic tone in the business man's point of view, let him but read the editorials of such a representative journal as the *Commercial and Financial Chronicle.* A perusal of these editorials, bristling with wholesome advice and courageous rebukes to the laboring classes, gives one much the same feeling of elevation that one receives at an inspiring church service.

But all this, I fear, is beside the point except to show that it does not apply to the present case. For although one of the two recently published books on the stock exchange—that by Huebner—is written by a professor, and the other — that by Meeker — is written by a representative of the New York Stock Exchange, nevertheless they agree closely in their general viewpoint. Both books defend vigorously, not only the principle of stock speculation, but also the present methods of the organized American stock markets. To be

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sure, neither author denies the existence of evils in stock speculation; yet neither author discusses these evils at length or indicates that any considerable reforms are called for.

On the descriptive side of the subject both books are good—better, or at least more up-to-date, than their predecessors. But Meeker's work is more than good, it is admirable. His daily presence on the scene of action has enabled him to write a description both more graphic and more detailed than could well be written by an outsider. Even the student who is fairly familiar with the workings of the market will repeatedly run across some interesting piece of information in Meeker's book that is not to be found elsewhere. The chapters on "The Floor Trader and the Specialist" and on "The Odd-Lot Business" are examples of this wealth of interesting detail.

On the theory of stock speculation Huebner's chapters simply elaborate his well-known earlier writings on the subject. I think it fair to say that his defense is uncritical. He states the familiar arguments in support of speculation, but he pays almost no attention to opposing considerations. Much, for example, is said of the function of speculation as a price-stabilizer, but nothing is said of the extent to which prices may be *un*stabilized by ignorant and panicky speculation. Short-selling is given a clean bill of health without notice being taken of the objections urged against it by Mr. Samuel Untermyer and other critics. Puts and calls are upheld as a legitimate form of speculation without any discussion of the effect of these transactions on stock prices.

Meeker's defensive chapters, being a frankly *ex parte* argument, can hardly be judged by the same critical standards that must be applied to Professor Huebner's book. Of course, the general line of reasoning is the same. Two aspects of the subject, however, receive more detailed attention by Meeker than they have received heretofore—the function of the Exchange in widening the distribution of corporate issues, and the service of the Exchange in making an international market for securities. Both of these functions are highly important, and Meeker has done well to stress them.

It is clear that the chief contribution of these two books is on the descriptive rather than on the critical side of the subject. Indeed, one may question seriously whether there is anything to be gained from further refinements of the merely "literary" discussion of the pros and cons of speculation. In its very nature the problem is a quantitative one, involving a balancing of *amounts* of good and evil; the test, therefore, can be made, if at all, only by careful

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quantitative studies, especially by statistical studies of price fluctuations under the influence of varying types and degrees of speculative activity. Perhaps some light will be thrown on the subject by the increasingly numerous and careful researches on the business cycle and the business barometer. Meanwhile opinions, to be scientific, must be cautious.

JAMES C. BONBRIGHT

COLUMBIA UNIVERSITY

Nationalization of the Mines. By FRANK HODGES. New York, Thomas Seltzer, Inc., 1920.—xii, 120 + 68 pp.

This little book is good to read because Frank Hodges wrote it, because it deals realistically with a vital problem, and because it is brief.

First, to most of its readers the value of the book will lie in its authorship. Mr. Frank Hodges is a "type"—if a single individual of his kind can be a "type"—of a new, or at least a different labor leader. He has come up from the "ranks", is a graduate of a "labor college", was a conspicuous member of the commission appointed by the British government to inquire into the coal industry, has been both secretary and president of the Miners' Federation, and is still in his twenties. On the coal commission he embarrassed owners and employers by asking them many distressing questions about capitalization, depreciation, and the function of profits. Unfortunately he is known as an "intellectual" in the labor movement. Yet it is his ability to leave erudition out, to free his mind from a traditional statement of his problem, and to see the issues with which he is concerned realistically which gives him his distinct power. And these qualities of mind, possessed by so few with academic or business experience, are nowhere more noticeable in his work than in the writing of this book.

Second, to an increasing number of readers the book will be valued because of its unromantic concern with a significant problem in national economy. By the use of a single case it presents the question of the form of organization for an industry in relation to the welfare of the community. Great Britain is a typical industrial country and coal is its most important industry. For more than a century (though coal mining is very much older) the industry has been organized under a scheme of arrangements which make up what is roughly called "private enterprise". This century of coal mining and of private enterprise has produced certain definite and tangible results. These can be appraised by standards of minimum

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expectations from the prevailing form of organization. The author sets up a decent living to its workers and a regular and economical supply of coal to the community as ends which the industry should serve. He appraises the prevailing organization of the industry and nationalization as alternative schemes for realizing these ends. The inquiry addresses itself immediately and persistently to the essential question of the instrumental character of the industry and to the form of organization under which it can best perform its function to the community.

Third, the book is of interest as a wonderful example of a brief but complete exposition. The reader who has expectation of living far beyond the traditional three score years and ten will prefer to go to Mr. Frank Hodges' source, which is the "Reports and Minutes of Evidence of the Inquiry" conducted in 1919 by the British "Coal Industry Commission". The significant facts about wastes in production and consumption, antiquated equipment and obsolete method, accidents and low wages, economies which only unification can make possible, and a peculiar scheme of nationalization free from over-centralization and bureaucracy, are all set forth at length in the three volumes of testimony and statistics which were "humbly" presented for the consideration of His Majesty. But the reader who desires an easier road than that offered to royalty will prefer Mr. Frank Hodges' 18,000 words to the record of 2,500,000 words of dialectic wherein commissioners of a like mind with Mr. Hodges tried to wring unacceptable conclusions from unwilling and ignorant witnesses.

It is this clear, brief and realistic treatment of an important problem which constitutes Mr. Hodges' contribution. There is nothing in his book which does not appear in the source from which it was taken. There is nothing in his statement of the problem which is not just now "in the air". Clear, dispassionate and factual as his treatment is, it falls short of conviction. The author is convinced because he sees clearly the inefficiencies of the prevailing system and visualizes the blessings of nationalization. Others will fall short of conviction as they see clearly or dimly the facts of the present organization of the industry in comparison with the speculative merits and defects of a scheme of nationalization. But the book is of inestimable value in stating a problem. It dismisses nationalization as a general issue, raises specifically the question of the form of organization of an industry to the welfare of a community, and insists that the question is to be settled upon the basis

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of specific accomplishments of alternative systems judged by established standards. All of this—an industry as a unit, its instrumental character, its judgment by standards, its form of organization as an object of judgment—is still beyond the pale of conventional economic theory. But it has already found expression in a considerable body of literature. The merit of the Coal Commission Inquiry is that it has stated this problem more specifically and more realistically than it has been stated before. The merit of Mr. Hodges' book is that it has made this statement available for the general reader.

WALTON H. HAMILTON

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Histoire du Canada. Par FRANÇOIS-XAVIER GARNEAU. Cinquième édition, révue, annotée et publiée avec une introduction et des appendices par son petit-fils, Hector Garneau. Préface de M. Gabriel Hanotaux, de l'Académie française. Tome II. Paris, Librairie Félix Alcan, 1920.—xii, 748 pp.

Garneau's history has long been recognized as one of the most valuable French-Canadian contributions to the historical literature of Canada. Its broad treatment of general political and social history contrasts with the narrower scope of the comparable works of such ecclesiastical historians as Faillon and Ferland. Yet Garneau, while a layman of liberal ideas, was a loyal Catholic and a true French-Canadian in his patriotism. This patriotism it was which prompted him to his real life task. When still a young clerk in a law office in Quebec, he was taunted one day by his British fellow-clerks as belonging to a race so insignificant that it did not even have any history. "What!" he replied energetically, "we have no history! Very well; to confute you I will tell it myself." To the task which he then set himself his devotion was life-long. For a quarter of a century, says his grandson, he concentrated an almost constant labor upon his history. First published in the 'forties, it passed before his death through three editions, the third in 1859. An English translation by Andrew Bell saw three editions in the 'sixties. In 1882-3 a fourth French edition, which included a study of his life, was brought out under the editorship of his son. This remained the standard until recently; but now comes the grandson to keep bright the family tradition. He gave a first volume to the public in 1913; the appearance of the second was delayed by the war.

M. Hector Garneau has earned our gratitude by the scholarly devotion here displayed. He is unnecessarily modest about his own

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contribution. He tells of his embarrassment before a book more than half a century old, a feeling which made him loath to alter the text, practically that left by his grandfather, as his father's emendations had been limited almost entirely to formal changes. In order, therefore, that the reader may still distinguish the original from the accretions the editor makes it a rule to insert textual additions and revisions in brackets. Many details, especially such as names and exact dates and numbers, are furnished in this manner. The grandfather's instinct, apparently, was to omit such matter where he felt that it might possibly clog the free movement of the narrative. However well such practice was adapted to the general reader, the student will be grateful for the more specific data now supplied. In addition to revisions and insertions in the text, further relevant details are given in footnotes and appendices. Still more of a boon to the scholar is the equipment of the work for the first time with thorough documentation, which makes it truly what M. Hanotaux calls it, "*une véritable encyclopédie de l'histoire du Canada*". The range of material laid under tribute in this documentation is, indeed, vastly wider than that which was available in the middle of the last century. Yet very little essential change has been necessary in the story as the first Garneau told it, so little as to speak highly for his workmanship and for the integrity of his historical imagination. The competent editing of the volume in hand proves the grandson his spiritual heir. One wishes that the latter would some day supplement the history as it stands by continuing the story, as he well could, from 1841 to our own day.

As yet the new edition has no index, but it is promised that the lack will soon be supplied. The fifth edition of volume one having been exhausted, a sixth will shortly be published, including an index to cover the complete work as comprised by that volume and the present. When the editor's task has been so admirably performed it is perhaps ungracious to regret the entire absence of maps and plans, but may it not be hoped that in some future edition these also will be included? Previous editions were published in Canada, but this one comes from Paris under the auspices of *Le Comité France-Amérique,* an organization founded some years before the war and devoted to the promotion of understanding and sympathy between France and the nations of the Americas. Among the latter it may be valuable also as a worthy reminder of the important share which *les Canadiens-français* have borne in the history of North America.

REGINALD G. TROTTER

STANFORD UNIVERSITY, CALIFORNIA

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"Full Up and Fed Up"; The Worker's Mind in Crowded Britain. By Whiting Williams. New York, Charles Scribner's Sons, 1921.—ix, 324 pp.

Mr. Williams in his series of studies of the mind of the worker in the several industrial countries is performing a more important service than the hasty scanning of any one of his entertaining books or articles will reveal. His is the rare affliction of being too entertaining, too engrossing on the surface, to make sure that any but the reflective reader will see his implications. However, he has in his record of personal experiences a fund of psychological raw material which others also may profitably analyze for some time to come. I find this to be his biggest service—his bringing together of masses of evidence regarding typical states of working people's minds. The social psychologist who appreciates real data will find Whiting Williams as useful in matters of industrial behavior as he might find Westermarck on marriage or Sumner on "folkways".

In the present volume, Mr. Williams is in England and perhaps his only positively new conclusion is that the labor problem is international in its causes and solutions. This discovery is less novel than the way in which it is reached. Mr. Williams actually joined temporarily the ranks of coal-miners, steel-workers, and shipbuilders, out of work because diplomats had been unable to come to sensible terms about indemnities, reparations, tariffs, and the rest. He experienced the fact of world-community as a laborer in the British Isles; and henceforth matters relating to disarmament, economic conferences, and stabilized exchange are being watched by him as vital factors in industrial relations. And the way in which these interrelations are brought home to Mr. Williams' readers is bound to be as educative a force as the way in which the same truths are abstractly treated by a Keynes or a Vanderlip.

The book is, however, of significance primarily as a psychological document, and it is as such that it should be read. Occasionally one detects a tendency to make psychology bear an undue proportion of the burden of explanation. For example, when Mr. Williams makes the point that labor agitators may be "men who were doing hand jobs when they were fitted and anxious to do head jobs", one pauses to wonder. Again, one pauses when he implies that Robert Smillie of the Miners' Federation of Great Britain became a labor leader because he "grew up in conditions which made it extremely easy to set fire to the tinder of his boyish purposes and idealisms by

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the stories [about bad mine conditions] that might easily have been told him by his father and grandfather."

Perhaps infantile fixations, chronic fears, repressions, and others of the so-called Freudian mechanisms can explain the labor leader. But it would seem safer to conjecture, in the absence of better evidence than this, that there are actual economic causes and reasoned economic convictions which also impel these leaders. To believe that the convictions of many hundreds of labor leaders are only rationalizations becomes somewhat of a tax upon one's credulity.

In another place Mr. Williams does indeed cite the testimony of one of his working mates that "management and capital just cannot be trusted. With the lure of profits, it finds it too easy to be dishonest. . . ." And an employer is quoted who says the "obstacle is in the short-sighted employers as much as in the short-sighted workers and leaders of workers." With evidence like this to weigh, it would seem that the psychology of the labor leader is to be grasped only in the light of additional factors such as those having to do with economic interests and the economic structure.

It is difficult but necessary, it would seem, continually to distinguish between the impact of economic difficulties upon people's minds and the analysis of that impact on the one hand, and the peculiar nature of those economic difficulties on their structural and objective side and their analysis on the other. Whether or not Mr. Williams has this distinction constantly in mind is not always apparent. However, from his study he finds that a continuous job is essential to the worker's sanity of outlook. He finds that continuity of employment is conditioned by international, political and economic factors. Beyond this, his study does not go and is not intended to go. My point in this connection is only that the inquiring student must of necessity go on to investigate and analyze the character of these economic factors in international affairs and to ask how they are being dealt with; to which questions psychological inquiry does not, and, as I see it, never can, supply the entire answer.

Mr. Williams has set himself a real task—he is out to give employers and those individuals who are mentally active enough to help constitute "public opinion", a sympathetic insight into the manual worker's mind. His essential and invaluable conclusion is that we must have faith in the workers and "must fortify that faith with better understanding of their service", and then provide a "manifestation of that larger faith in terms of recognition to the workers *at their work*". No collegiate course in industrial psychology can

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be given to best advantage without liberal reference to this as well as to Mr. Williams' earlier volume. And no executive in search of understanding can afford to ignore them either.

ORDWAY TEAD

N. Y. SCHOOL OF SOCIAL WORK
NEW YORK CITY

L'Irlande dans la Crise Universelle (1914-1920). By Y. M. GOBLET (Louis Tréguiz). Second Edition. Paris, Félix Alcan, 1921.—vi, 462 pp.

This book is an intensive, methodical and dispassionate survey of all the factors which have affected the interests and opinions of the Irish people since 1914; while the preliminary section (pp. 1-63) reviews the political developments during the preceding twenty-one years. The author traces the shifting policies of the British government, the slow but patient progress of the Nationalist Party, and the sinister activities of "*l'orangisme ulstérien*"—the "*dernier carré de la vieille garde tory en Grande-Bretagne aussi bien qu'en Irlande*" (p. 446). The Ulster decision to threaten physical resistance, dating from 1912, the destruction of the Nationalist Home Rule Bill in 1916, the ungenerous treatment by the British War Office of Irish participation in the European War, the conscription struggle, the calculated contempt and cruelty of the Castle policy after the rising of Easter, 1916, are set forth with the utmost objectivity and the most scrupulous analysis of the sources. Then the author surveys the Convention of 1917, the collapse of which he attributes to the menace of partition. Of this he says (p. 251): "The Asquith cabinet had admitted partition in the Amendment Bill of 1914; Mr. Lloyd George had sanctioned it in 1916; he had made it the essential article of his Plan of May 16, 1917, of which the Convention was only an alternative; and on February 25, 1918, he recommended that the Convention grant Ulster a right of veto equivalent to secession. . . . The Orange representatives, therefore, were risking nothing in participating in conversations they could interrupt at pleasure."

The controversial question of the origin of the "outrages" is handled well by M. Goblet. On the basis of such sources as are accessible to impartial students, he assembles evidence irrefutably demonstrating the provocation to resistance and the vindication of their liberty, which the Irish people suffered many months after the rising of 1916.

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For the period subsequent to the General Election of December, 1918, the material is far more abundant, and the reader is better able to corroborate M. Goblet's exposition, because of the closer attention given by the press of the world to the various negotiations and the course of the war between England and the Irish people. M. Goblet's record of the activities of the American Commission on Irish Independence in Paris during the Peace Conference, it may be said in passing, is a better example of historical impartiality than the references to this matter in many recent books, some collaborative, and others biographical, purporting to review and justify the events of Versailles. Finally, the somber narrative of the "Liquidation of the Universal Crisis in Ireland" (1919-1921) is brought down to the early months of 1921.

Despite the author's restraint, it is not difficult to perceive the conclusion his studies have led him to formulate as to the outcome of the Irish struggle for independence. From January 21, 1919 (the date of the Appeal of the Irish National Assembly to the Nations of the World), "the British Administration no longer governs Ireland—it can do no more than prevent Ireland from governing herself. Whatever the cause of this situation, its existence is historically established. Henceforth, as a logical result, Ireland will present her case to the world as that of a nation upon which, contrary to its own wish as expressed by the exercise of the franchise, there is imposed the authority of a foreign power, contrary to the new Law of Nations" (p. 360).

C. E. McGuire

Washington, D. C.

England in Transition, 1789-1832: A Study of Movements. By William Law Mathieson. New York, Longmans, Green and Company, 1920.—xiv, 285 pp.

This book deals with the social, spiritual and intellectual forces operative in England from the beginning of the French Revolution to the passage of the Reform Bill, certainly an interesting and suggestive period, but withal one very difficult to treat adequately. It is not clear why 1789 was selected as the starting point. 1769 would have seemed a more logical place to begin a study of political reform; if economic movements are considered, any year from 1770 to 1785 would have been preferable; if the influence of the French Revolution is to be stressed, the results were not visible until later.

English history teachers have long bewailed the fact that we have

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so few satisfactory reference books on the period just after Lecky closed his meaty volumes and just before Walpole began his scholarly work. In recent months Farrer, Brown, Alington and Mathieson have done much to fill this gap, but of the four, the last has given us easily the best work for general reference. Mr. Mathieson is known to us largely by his scholarly work upon eighteenth-century Scotland, but his latest work is a welcome addition to the studies of a significant period.

The volume is a chronological treatment of the period in five chapters of equal length. For that reason, the author is compelled to treat in several different places of the struggle for educational facilities for the poor, of the reform of prison conditions etc. A topical discussion of such movements would have given greater unity and coherence. Moreover, the need for a good treatment of the years from 1815 to 1832 is not nearly so great as for the earlier part, yet curiously enough those are the very years to which Mr. Mathieson devotes half of his compact little volume. In the reviewer's opinion, the introductory chapter is not only the best chapter in the book, but the best summary of the eighteenth-century origins of the many social movements that came to fruition early in the nineteenth. These fifty pages are literally crammed with information gleaned from many fields, but nowhere else so accessible or so well digested. Chapter I, on the other hand, is the least satisfactory. It slights the many evidences of the repressive attitude of the English government during the French Revolution as shown so clearly in that excellent book, Kent's *English Radicals,* which is damned in these later days by its very title, as being more than faintly reminiscent of Bolshevism. In general, it would have been better had the first half of the book been much expanded to give the author space to dwell upon the significance of the movements which he traces.

Mr. Mathieson's book is not based upon researches in unpublished materials, but he has ranged far and wide in correspondence, memoirs, tracts, and of course in the ubiquitous *Hansard.* His touch is sure, even in the midst of detail. Three slight errors are noted: *Cook* (p. 9) should be *Cooke; 1798* (p. 66) is a misprint for *1789;* and the first Annual Indemnity Bill was passed in 1727 not in 1743. We regret, more than the errors of commission, the omission of a bibliography and the brevity of the index. In spite of all this, this work is the most satisfactory compact treatment of the social movements of the period.

WILLIAM THOMAS MORGAN

INDIANA UNIVERSITY

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Commons Debates for 1629. Critically edited and an Introduction dealing with Parliamentary Sources for the Early Stuarts. Edited by WALLACE NOTESTEIN and FRANCES HELEN RELF. (Research Publications of the University of Minnesota, Studies in the Social Sciences, Number 10). Minneapolis, published by the University of Minnesota, 1921.—lxvii, 304 pp.

An historian should be judged not merely by the obvious test of the thoroughness of his work. He must be more than accurate. He must feel and must show the relation of his studies to the whole drama of human events that has made the present out of the past. We have a right to enquire not alone whether his work is sound, but whether it is significant. We are entitled to judge him not less by his choice of a subject than by the definiteness of his knowledge and the correctness of his conclusions.

Estimated by either of these tests this book is one of the most valuable and most welcome that has appeared in the field of English history for a long time. The editors have not only done their work well: they have had an historian's sense of what ought to be done; something only to be understood by one who grasps the importance of English constitutional history as a whole and has a first-hand knowledge of the lamentable difference between what our printed records of English parliamentary history are and what they ought to be. This is a knowledge gained only by long and intimate acquaintance with the enormous mass of the materials of English history printed and unprinted.

Everyone whose work has lain in these materials must often have asked himself whether much of the recent historical investigation in this field has not been misplaced. We have long known that the printed parliamentary records are not only defective but in many places inaccurate. Many separate studies have shown that hardly a single important enactment among the Statutes of the Realm should become the basis of definite conclusions without a recourse to its manuscript history. Maitland's brilliant paper on Elizabeth's great statutes of supremacy and uniformity—to take one instance only—stands out to show not alone what may be done in one important case, but what must be done practically in all.

For years, too, it has been common knowledge that the Rolls of Parliament should be regarded as illustrations of parliamentary activity rather than as complete records of it. The same is true of the journals of both Lords and Commons. It is equally applicable

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to the old *Parliamentary History* of the eighteenth century or to its successor of the nineteenth. Interesting facts have recently been disclosed in regard to the authenticity of the debates known as *Townshend's Historical Collections* for Elizabeth's later Parliaments, and an examination of D'Ewes's Journals would probably yield results not less interesting and more important.

Why, then, should trained historians continue to waste valuable energy in trying further to build up commentary and treatise upon foundations that we have long known only too well to be shaky and unsafe? Why should all this effort be expended to secure results that may be overthrown just so soon as these parliamentary records are properly edited, as they inevitably must be sooner or later? Would it not be better to direct this energy toward a concerted effort to know and make knowable the records themselves in an authentic form?

Thoughts such as this have been in the minds of some of us for a long while, but we have rested content with thinking. Mr. Notestein and Miss Relf alone have not been satisfied with this. This volume, together with others in preparation by the editors or in prospect, will do much to place English constitutional history from 1603 to 1641 on a sounder basis. They will make it possible for the first time to hazard many statements that had to remain little more than guesses even to the indefatigable Gardiner. The importance of such a work can hardly be overestimated.

But, unfortunately, in matters of this kind enthusiasm has too often outrun competence and the inadequate editions resulting have been a permanent bar to the securing of better ones. What may we say of the present edition, its methods and results? The aim of the editors has obviously been throughout a practical one: to make the work of the subsequent historian as easy as accuracy will permit. This involved the choosing of the best accounts of the debates of 1629, both official and private (as few in number as accuracy, completeness and practicability would permit); taking them as bases; and including all the additional or differing material as variant readings to be carefully indicated by footnotes. This is a sound method and it has been followed here judiciously and in the most exhaustive and painstaking fashion. These basic texts the editors found it impracticable to reduce to less than four; first and most important the account long known in print in the *Diurnall Occurrences,* printed as early as 1641, and elsewhere, of which the editors have examined all the known MSS., no less than sixteen in number.

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To this are added the texts of three private diaries edited in the same careful and exhaustive manner.

By these means it is now possible to know, as definitely as can in all probability ever be known, exactly what was said by Parliament men on the fundamental questions of 1629. The labor involved in this work has been immense, and there is every evidence that it has been done with the greatest care, and that it includes practically everything now known to exist either in print or in manuscript. Our respect for the finished product is increased when we remember that many of the original notes were hastily made, sometimes in cipher, in the notoriously bad handwriting of the period, and at a time when proper names as well as common words were usually spelled according to the writer's fancy.

Not the least interesting part of the book is the proof, which amounts to a demonstration, that even the accounts of these parliamentary proceedings which have passed as official were in reality made up in part by the insertion of separate speeches often originally collected and published by outsiders who made a living by furnishing to an eager public such scraps of information as could be obtained by hook or crook at a time when parliamentary proceedings were supposed to be secret. The editors' introduction in which these facts are adequately set forth for the first time makes it possible for us to estimate the historical value of these parliamentary notes. Readers of John Forster's *Debates on the Grand Remonstrance* and *The Arrest of the Five Members* have long known a few of the variations that could occur in one important instance in 1641, and it has been suspected that similar variations might be found all through the Stuart period. The introduction to this book has substituted certainty for suspicion and for the first time gives us the facts and the reasons for our suspicions.

It is hardly too much to expect that this edition and its introduction will revolutionize the attitude of historians to these materials and, consequently, their method of dealing with them. The book is fundamental. It is important not only for 1629, not merely for the whole period from 1603 to 1641, but for the whole history of English parliamentary records up to the time of their official publication; one of those few books, in fact, to which we may correctly apply the trite phrase: "No student of English history can afford to be without this volume."

C. H. McIlwain

Cambridge, Mass.

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BOOK NOTES

In these days of social and economic upheaval and universal change the average citizen is likely to find himself questioning the validity of almost every established institution, and entertaining misgivings about the entire structure of modern society. One who wishes to check up his random impressions by recourse to a concise body of accurate facts and well-digested opinions, drawn from authoritative sources, and presented in the white light of common sense, can do no better than refer to the volume entitled *Great American Issues* by John Hays Hammond and Jeremiah W. Jenks (New York, Charles Scribner's Sons, 1921; xi, 274 pp.). He will find there a broad-minded discussion of many pressing problems, political, social, and economic, which recognizes all legitimate points of view, and has the benefit of the combined academic and business experience which its authorship affords. He may possibly feel that there is a slight over-optimism with reference to the satisfactoriness of our established economic system, as for example in the reference on page 84 to the "remarkable improvement in the general standard of living" in the last twenty years. This statement as it stands is literally true, but it ignores the fact that since about 1892 the standard of living of a large proportion of our population, possibly a majority—that proportion included in the common labor class—has been gradually, but steadily and positively, declining. But on the whole he will recognize that the defense of the existing order is no more pronounced than is salutary as a counter-balance to the crop of visionary panaceas which are being offered up for public consumption. The book merits a wide circle of readers.

We have had a multitude of books dealing with the political, diplomatic, and military causes of the World War. Now comes a work of unique character, by the distinguished author of *The Psychology of the Crowd,* offering an interpretation of the mental and moral elements in the conflict. Gustave Le Bon's *The World in Revolt* (New York, The Macmillan Company, 1921; 256 pp.) is a psychological study of our times, suggested by the tremendous upheaval of the last decade. Le Bon discusses such topics as the mental evolution of the peoples engaged in the war, the conflicting principles in modern warfare, the influence of psychological factors

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in battle, the new revolutionary movements let loose by the war, and the present political illusions and disillusions of Europe. The thesis of Le Bon's book is that the material and visible forces which triumphed so conspicuously in the summer of 1918 were but the expression of deeply seated moral forces in national life. Wherever there was fidelity to the best in national character, there was ultimate success; wherever there was the attempt to dragoon the soul of a people, there was failure. The battle of the Marne in 1914 was won more by the dead than by the living, for it was the soul of Republican France that fought there. It is the application of the doctrine of national psychological continuity to the distressed world of today that forms the most interesting part of Le Bon's volume. He warns us against the perils of state intervention in an "imposed" government contrary to the inevitable and deeply rooted character of a people, and regards the psychological blunders of which the politicians at Petrograd and Versailles were guilty as the greatest danger now threatening the world. Societies cannot, as so many dreamers seem to believe, rebuild themselves as they please. The state cannot control, but must be controlled by, the psychological forces of a people which alone can make them capable of sustained collective effort. Reliance on any other power than the individual initiative, the love of work, the judgment and competence of a people, can result in nothing but a "dictatorship of discontent". Le Bon pleads for a study of "the national soul".

Dr. Paul S. Reinsch, a former teacher of political science and American minister to China, breaks a lance against existing methods of conducting diplomatic negotiations in a tractate entitled *Secret Diplomacy* (New York, Harcourt, Brace and Co., 1922; 231 pp.). There are chatty chapters on eighteenth-century diplomacy and the characteristics of diplomatic correspondence, and a very cursory historical outline of the diplomacy associated with Napoleon III, Disraeli, Bismarck, the Triple Alliance, the Triple Entente, the 1914 crisis, and the secret treaties of the War. In discussing the diplomacy leading to the War, the author does not make any extensive use of the documents recently analyzed by Professor Fay in the *American Historical Review*. He relies very largely on Lord Loreburn's *How the War Came,* which is devoted to the question of England's Continental commitments and the statesmanship of Sir Edward (now Viscount) Grey. Without repeating Lord Loreburn's perscrutation of the evidence, Dr. Reinsch does not hesitate to express definite opinions. Thus, he says that "had Germany been

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told in July, 1914, that Great Britain would support France and Russia, the war would undoubtedly have been prevented" (p. 95). The author reviews the controversy in England over a Commons Committee on Foreign Affairs, but says little as to the possibility of machinery to insure less secrecy and more parliamentary control of the executive. He contents himself with pious wishes rather than practical suggestions, and the democratic fervor that is evident on almost every page, if not eloquent, is very earnest and consistent. "Secret diplomacy destroys public confidence"; the language of ideal aims veils unconscionable actions; if democracy means anything, more and more minds must participate in the great things of the world; "Lincoln's simple faith in the people has not yet been adequately applied in international affairs" (p. 221), and, finally: "Patient, sound, upbuilding influences shall have to work powerfully on the masses of men, and on their leaders, before we may finally overcome the evils that express themselves in practices inherent in a system such as that we call 'secret diplomacy', before the world may be made an abode of mutual confidence and helpfulness instead of a house of imprisonment, suspicion and terror" (p. 224).

To most Americans the affairs of the Mahommedan world seem very remote. Having no long-established dependencies populated by millions of Mussulmans, like British India or French Morocco, we have not faced the need of taking into consideration the religious and social system of the 250,000,000 Moslems, whose far-reaching plans for the vindication of their intense religious faith and their nationalistic aspirations have been making startling advances in the last twenty years. Two recent books bring this problem before us with distinct emphasis. Lothrop Stoddard follows his *Rising Tide of Color* with a book on *The New World of Islam* (Charles Scribner's Sons, 1921; vii, 362 pp.) in which he discusses the awakening of the "immovable East". He finds that the influence of Western penetration, with its stimulus to political change following on economic rehabilitation, has produced in the Orient a ferment such as it has not known since the days of the rapid sweep of Islam from the borders of India to the Straits of Gibraltar more than a thousand years ago. To the religious motive of Pan-Islamism is now added the political thirst for national "self-determination"—first encouraged in theory, and then rudely deceived in practice, by the World War and the Treaty of Versailles. Especially valuable are the chapters on the nationalist movements in Egypt and India and the final chapter on "Social Unrest and Bolshevism",

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in which Stoddard deals with the imminent danger of the union of the discontented Mohammedans of the Near East with the forces of Bolshevist Russia. The book is documented with a wealth of references to works of special students of Islam in the countries of Europe, as well as by quotations from scores of Moslem writers in the lands of the Crescent. There is nothing sensational in Stoddard's treatment of the renaissance of the Mohammedan world, but the reader feels in every page the immense significance of the movement. It behooves the nations of the West to set their house in order to meet a crusade that is growing every year stronger in the conscious unity of faith and purpose.

A very different book from Stoddard's is Talcott Williams' *Turkey, a World Problem of Today* (Doubleday, Page and Company, 1921; viii, 336 pp.). The author was born in a missionary family at Mosul on the banks of the Tigris, and spent his boyhood and early youth among the mingled races of the Turkish Empire, until he came to America, nearly sixty years ago, to begin his long and distinguished career as a journalist. Williams' book is narrower in scope than Stoddard's. It grew out of a series of lectures on Turkey delivered before the Lowell Institute in Boston in 1900, and is a popular presentation of the history and institutions of the Ottoman Turks. The tone of the book, also, is totally different from that of Stoddard's. Instead of giving us a dispassionate survey of the Mohammedan world, with ample reference to authorities both Christian and Moslem, Williams writes an ardent arraignment of the Turk through the six centuries since Othman appeared before the waters which bathe the walls of Constantinople, with his black tent and his two flocks of goats. The narrative is enlivened with many a picturesque incident from the author's own memory, as well as burdened with many obscure historical allusions beyond the memory of the vast majority of fairly well educated readers. Occasionally there is a tendency to grow oracular. Finally, while Stoddard's book is an impersonal exposition of the current forces in the Mohammedan world, based on the confession that "all that we may venture wisely is to observe, describe, and analyze the various elements in the great transition", Williams declares in his preface that his book "presents a direct plea for the acceptance by the United States of a mandatory from the League of Peace for Asiatic Turkey and Constantinople, or as much of it as could be saved from other powers". This is the interpretation of his subtitle, "A World Problem of Today". No less than fifteen times in the book does Williams return to the charge that the United States has missed its recurrent opportunity

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to save Turkey from internal anarchy and moral bankruptcy. The argument of chapter after chapter leads up to this conclusion. Like Cato's *Carthaginem delendam* the refrain is repeated again and again: the salvation of Turkey lies in American protection. Cato was successful at last—but his cause was undoubtedly more popular.

An informing and suggestive survey of the Zionist movement is Dr. Horace Meyer Kallen's *Zionism and World Politics—A Study in History and Social Psychology* (Garden City: Doubleday, Page & Company, 1921; xii, 345 pp.). There are five chapters on the origins and history of Zionism, bringing the narrative down to the middle of the nineteenth century. These are followed by an interesting chapter on the "secular nationalism" of the Jews of Eastern Europe, which suggests a relationship between organized Zionism and the growth of political and cultural nationalism on the Continent from the middle of the last century to the outbreak of the Great War. The rôle of American Jewry in the development of Zionism in Palestine, the impetus given Zionism by the sufferings of the Jews in the War and in post-bellum Eastern Europe, the presentation of the Jewish cause at the Peace Conference of Paris, the diplomatic negotiations from Versailles to San Remo, are treated in order. There are two excellent chapters on the Near Eastern Question, one dealing with the period before 1914, the other with the period since the armistice. Dr. Kallen writes in a spirit of frank sympathy with the Zionist movement, although he is always sufficiently critical to realize that "there are two types of prejudice about the Jews—those entertained by Jews and those entertained by non-Jews". The book is intended to be of interest to the general reader as well as to the student; nevertheless, further documentation and a critical bibliography would have materially improved the work.

Otto H. Kahn is one of the outstanding characters in the field of business of America, not simply because of his prominence in business, as such, but because of the breadth of his interests in all aspects of the nation's life. His book on *Our Economic and Other Problems* (New York, George H. Doran Company, 1920; vi, 420 pp.) representing a collection of essays and addresses on business, foreign relations, the war and art, etc., pictures the ideals and philosophy of what is best in "American business". One will not, by any means, always agree with Mr. Kahn. His portrayal of E. H. Harriman is certainly more complimentary than that redoubtable gentleman deserved. But if American business as a whole were imbued with

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the spirit of idealism and the sense of social responsibility which Mr. Kahn displays in his book and in his acts, the path of economic progress stretching out before the country would be less tortuous and stony than it now appears to be.

Professor William Starr Myers, in *Socialism and American Ideals* (Princeton University Press, 1919; ix, 89 pp.) attacks the matter at hand with all the ardor of a knight-errant going forth to slay a dragon. This Socialism is a wicked, dangerous thing (he does not quite call it a loathsome disease but he groups it with other things so designated) and as such must it be dealt with. He does not argue with the steadfast coolness of one debating a question which may conceivably have "much to be said on both sides". Rather, he lays about him with a will, making many references to the evils rife in Germany under the bureaucratic, pseudo-socialistic régime which obtained there in the years preceding the war. He even goes so far as to lay the responsibility for the brutality of the German soldier at the door of the "de-souling materialistic influence of Socialism on the common people of Germany during the past twenty-five years." This attitude of mind is attributable, no doubt, to the fact that the articles which make up the book were written during the war (appearing in the New York *Journal of Commerce and Commercial Bulletin* and later reprinted under date of November 28, 1918) and bear the imprint of that period of emotionalism. This is not meant to imply that Professor Myers does not offer some sound support for his contention that "Socialism is in theory and practice absolutely opposed and contrary to the principles of Americanism, of democracy and even of the Christian-Jewish religion itself." His arguments, though not strikingly original, for the most part have weight. It is the manner, rather than the substance of his remarks that has the chivalric ring. In the first three chapters of the book he upholds his view that Socialism is un-American, undemocratic and un-Christian. Chapter iv is devoted to some instances of the failure of Socialism and chapter v deals with what he considers the true antidote, that is, cooperative effort. Some readers, perhaps some Socialists, may be surprised to learn from Professor Myers that Socialism would guarantee to supply the citizenry of the land with happiness; nay, would cram it down their throats, whether or no. It is doubtful whether the most sanguine of Socialists, looking at the world through the rosiest of spectacles, would undertake to promise that elusive wood-bird, *happiness,* to those who should put his theories into practice.

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In the second volume of *A History of British Socialism* (New York, Harcourt, Brace and Howe, 1921; xi, 413 pp.) Mr. Max Beer shows the same qualities of painstaking research that he displayed in his first volume, which was reviewed in the December, 1919, issue of this journal. The period covered is from the beginning of the Chartist movement to the close of the World War. The first half of the volume is devoted to a temperate and well-balanced history of Chartism, based principally upon original sources. This amount of space may seem to overrate the importance of Chartism in the general history of British Socialism, but the author shows that the "ulterior motives" of the Chartists, at least during the early stages of the movement, were social-revolutionary and that their influence upon the British working classes was far-reaching. In the second half of the volume, which describes the development of socialist thought and the rise and progress of socialist organizations in England during the last sixty years, students of the modern British labor movement will find an indispensable storehouse of information. For the general reader a less inclusive and more discriminating narrative might have been more serviceable.

The publication of a summary of the results of the careful investigation of the National Bureau of Economic Research into *Income in the United States: Its Amount and Distribution — 1909-1919* (New York, Harcourt, Brace and Company, 1921; xvi, 152 pp.) marks an important event in the progress of economic statistics in the United States. The Bureau's staff, consisting of Wesley C. Mitchell, Wilford I. King, Frederick R. Macaulay and Oswald W. Knauth, devoted more than a year to the task of bringing together all the available information with reference to incomes, testing the accuracy and adequacy of this information by all the means known to statisticians and deducing from it conclusions touching the distribution of income year by year. The principal findings of the investigators are: that the total national income increased from $28,800,000,000 in 1909 to $61,000,000,000 in 1918, or from $319 to $586 per capita of the population; that this increase was largely due to the inflation of prices, since on the basis of 1913 prices the change would have been from a total of $30,100,000,000 in 1909 to only $38,800,000,000 in 1918, or from $333 to $372 per capita; and that in 1918 about 86 per cent of the persons gainfully employed had incomes of less than $2000 per annum, and only about 14 per cent, incomes above this sum. A second volume, giving full information in regard to the details on which these and other findings are based and the methods employed in reaching them, is

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promised for early publication, when a critical review of the whole undertaking will be possible. While in a sense this investigation gives us no *new* information touching incomes in the United States, it is of the greatest value in supplying the most careful and authoritative available analysis and interpretation of existing income data. Until the Government itself undertakes a comprehensive census of incomes, it will stand as our most dependable source of information on this important subject.

In *International Finance and its Reorganization* (New York, E. P. Dutton and Company, 1922; xli, 702 pp.) Mr. E. M. Friedman has followed up his well-known works on *Labor and Reconstruction* and *International Commerce and Reconstruction.* The plan of the present volume is much the same, being chiefly a compilation of a mass of figures and a presentation of the arguments of the chief writers on both sides of every controverted question. As in the preceding volumes, Mr. Friedman refrains from the attempt to add much to the arguments. His summing-up is on the whole moderate and well-balanced, although we might desire a little more vigor both of thought and of expression. The present volume discusses the facts of the war under the three heads of public debt and taxes, currency, and credit and foreign exchange; while the factors in the financial reorganization include the capital levy, the inter-allied debts, the German indemnity, and international loans for the restoration of Europe. As in the case of its predecessors, the book will be found exceedingly convenient for reference.

There is a growing appreciation, especially in the larger industries, of the importance of such factors as labor turnover, labor productivity, and such psychological elements as contentment, plant spirit, cooperation and understanding on the part of workers. Daniel Bloomfield's *Labor Maintenance,* a practical handbook of employers' service work (New York, the Ronald Press Company, 1920; xvii, 530 pp.) is both timely and useful, particularly as a guide to perplexed employers, who realize, as never before, that in the present conditions of industry the world over the human factor in the problems of management is worth fully as much attention and consideration as the insurance, upkeep, and replacement of machinery and the physical plant, or the fluctuations in cost and kind of raw materials used in the industry. *Labor Maintenance* has much of interest for the intensive student of the labor problem although it does not furnish a good historical background for the problem it discusses. Neither does it give as complete a descriptive

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account as desirable of current experiments which are very numerous and significant. It is more or less dogmatic, as indeed a handbook for the guidance of practical men must needs be. It does interpret, however, in a broad and sane spirit, the results of the best efforts by progressive and wide-awake employers to provide in an organized way for the recruiting, training and development of their plant personnel, for such voice and participation on the part of their personnel in the determination of the conditions under which they work and, most important of all, for the organized service of every kind that the plant as a whole or any division thereof may render to every individual employee to enable the humblest worker to play an increasingly responsible and profitable part in an enterprise which he can understand and in which he can feel that he has an individual interest.

Robert Owen should not be held responsible for the failures of earlier efforts in so-called welfare work. On the contrary, Owen deserves great credit for having advocated a century ago a present-day view of the responsibilities of management, and for having pointed out to employers the value of the fullest recognition of the human factor in industry. Mr. Bloomfield might have contributed more toward the advancement of the transition from the older type of welfare to the newer service work if he had given us a clearer and more complete analysis of why welfare work, as conceived one or two decades ago and still practised on an extensive scale, has not met expectations but has fallen far short of the promise which recent service work gives when it is based on fundamentally sound democratic principles.

For years students of banking in America suffered for the lack of books adequately expounding the practice of American banking. The available treatises discussed history and theory with only casual reference to practical operations. In the December, 1921, issue of this journal reference was made to the valuable book on *Practical Bank Operation* published by the National City Bank. This book set forth in elaborate detail the exact practice of a large metropolitan institution. W. H. Kniffin in *American Banking Practice* (New York, McGraw-Hill Book Company, 1921; xiii, 389 pp.) has contributed another useful book to the same field. Whereas the National City Bank volume dealt with the practices of a single institution, Mr. Kniffin's new work concerns American banking practice as a whole. The method of approach also varies somewhat. The National City Bank publication is centered about administrative organ-

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ization and operation, while the Kniffin book proceeds topically according to the somewhat loose logical connection that obtains between the different topics. But taken together the books supplement each other very well and for some time will fully meet the need that has so long gone unsatisfied.

An opportunity to study the development of a nation's economic life, as that development is influenced by its banking institutions, is afforded by Mr. Victor Ross's *History of the Canadian Bank of Commerce* (Toronto, Oxford University Press, 1920; vol. I, xvi, 516 pp.). The occasion of the publication was the bank's fiftieth anniversary. The first volume deals with the history of the institutions whose amalgamation produced the present-day Canadian Bank of Commerce. These institutions in different sections of the Dominion grew out of the life of their districts. The history adequately sets forth the early conditions of production and trade in the areas concerned and the problems and vicissitudes which the banks had to encounter. The second volume will probably deal with the later history of the amalgamated institution. As a whole the work promises to be a genuine contribution to economic history, because the interests of this bank are as wide and almost as old as Canada itself.

It is, of course, a truism to say that our modern economic system with its division of labor and exchange depends upon capital. We speak of it as "capitalistic", but rather to emphasize the character of the ownership than the real function and importance of capital. In *The English Capital Market* (London, Methuen and Co., Ltd., 1921; ix, 297 pp.) Mr. F. Lavington supplies an interesting and valuable study of the gathering together and apportioning to use of capital in England. He makes no distinction between the different "kinds" of capital and the uses to which they are put, but he regards as a unit the whole machinery of commercial and investment banking in the task of accumulating capital and putting it to use. Throughout he is concerned with interpretation rather than with description, and the changes in detail wrought by the war are, therefore, scarcely noticed. The purpose is to set forth the general lines along which the machinery making up the capital market really functions, and this purpose Mr. Lavington fully accomplishes.

One of the results of the French interest in Syria has been the publication of an archæological and historical library, under the auspices of the high commissioner of France. The first volume is a well printed edition of a work on the land tax by the celebrated Abou Yousof Ya'Koub. Professor E. Fagnan has translated and annotated this

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classic, which dates from the eighth century, under the title of *Le Livre de l'impôt foncier—Kitâb el-Kharâdj* (Paris, Paul Geuthner, 1921; viii, 352 pp.). While the work will be of interest primarily to archæologists, it is not without value to students of the history of taxation, for we find here in detail a picture of the fiscal conditions of the eighth century. Not an insignificant part of the book deals with general social problems, including those of slavery and penology.

Before his retirement from public life Lord Rosebery was in great demand as the orator of the day at centennial celebrations, unveilings of statues and similar occasions, and he responded generously to the invitations that were showered upon him; nor was he deaf to the solicitations of magazine editors for articles and reviews. Mr. John Buchan's collection of Lord Rosebery's *Miscellanies, Literary and Historical* (London, Hodder and Stoughton, 1921; 2 vols.: vii, 372; vi, 347 pp.) consists mainly of reprints of occasional speeches and articles, many of them previously difficult of access, to be found only in the files of newspapers and periodicals or in small privately printed editions. The brochure on Lord Randolph Churchill, included in Mr. Buchan's collection, is a brilliant interpretation, by a contemporary and friend, of one of the most baffling personalities in the history of English politics; the essay on Peel lifts a little the veil of mystery behind which the British cabinet, in the last decade of the last century, did its work; the address on the union of England and Scotland, delivered before the speaker was twenty-five years old, was a masterly performance. Yet Mr. Buchan is right in calling this a collection of *opuscula*. It is not by these, charming and penetrating and stimulating as they often are, that Lord Rosebery will be judged, but by his great parliamentary speeches, which delighted, even when they did not convince, the House of Lords, and which must one day be disinterred from their resting place in the massive mausoleum of *Hansard*.

In *The King's Council in the North* (London and New York, Longmans, Green and Co., 1921; x, 532 pp.) Miss R. R. Reid has expanded a dissertation submitted to the University of London for the degree of Doctor of Literature into a comprehensive history of an institution about which very little had previously been known. Like the Star Chamber, the Council in the North was one of the prerogative courts that flourished in England under the Tudor and early Stuart sovereigns and were swept away by the Long Parliament. It has generally been regarded as a creation of Henry VIII's, established by him for the purpose of restoring order in the North

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of England after the great insurrection known as the Pilgrimage of Grace. Miss Reid shows that we must go farther back for its origin—at least as far as Richard III, and Richard was building on earlier foundations. The author is decidedly sympathetic towards the Council, which has generally been condemned by historians as an instrument of royal tyranny, and towards its most famous president, the ill-fated Earl of Strafford. She believes that the dissolution of the Council was unwise and shows that there was a substantial demand for its restoration during the reign of Charles II. A twenty-five page appendix on authorities gives evidence of the extent of the author's research and should prove useful to students of the English constitution in early modern times. Here and there one finds statements and implications to which exception can be taken, and perhaps the historical introduction given in Part I could be condensed to advantage, but slight blemishes do not seriously mar this scholarly and valuable contribution to the literature of English constitutional history, which incidentally throws new light upon a number of subjects in social, economic and religious history.

Upwards of a year ago the eminent medievalist, Mr. T. F. Tout, delivered a series of four lectures at the University of Rennes. In these he addressed himself to the task of uncovering the forces of attraction which have operated in the past to draw together the two great countries which face each other across the English channel. The substance of these lectures he has elaborated and published under the title, *France and England: Their Relations in the Middle Ages and Now* (Manchester, University Press, 1922; viii, 168 pp.). The "now" receives but short shrift, only about ten pages being devoted to the period since the middle of the fifteenth century. In thus confining his discussion to the Middle Ages the author probably does well, for, as he himself points out, after the Hundred Years' War growing national contrasts as evidenced in language, institutions, religion, and commercial and colonial rivalry tended to sever the two countries ever more widely. Prior to that, however, he finds the forces of attraction stronger than those of repulsion; "the contrast . . . in institutions as in national psychology, true enough in some later ages, has for the Middle Ages been tremendously over-stressed" (p. 99). We are reminded that both countries shared the cosmopolitan civilization common to western Europe in the early Middle Ages, that the Norman conquest brought a mingling of blood and culture, that Angevin kings ruled over more of the soil of present-day France than did the French monarchs, and that,

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while Capetian and Angevin princes might quarrel, spiritual and institutional affinities held the peoples of the two countries closely together. Until the fifteenth century, wars engendered little popular animosity. Though writing with the confessed object of emphasizing the "points in common between the two peoples", the author is not enticed by his aim into a distortion of historical fact. The book makes no contribution to knowledge, but it furnishes a useful and readable corrective of the commonly accepted view of the traditional animosities of the two great western allies.

"To present in perspective the most salient facts about present-day government" within the compass of eighty-two pages is a rather ambitious undertaking. It has been attempted by Herman Finer with considerable success in one of The World of To-day series, *Foreign Governments at Work: An Introductory Study* (Oxford, Oxford University Press, 1921; 84 pp.). A suggestive preliminary chapter discusses the problem of government as the problem of power wielded by certain people elevated to official positions; the reasons for the difference and likeness between systems of government, and the influence of history, dominant personalities, and conscious imitation in shaping constitutional development. The remaining chapters on France, the new German Constitution, and the United States (with a few references to Switzerland) consider only distinctive features of the governmental systems. The text will be of interest to the general reader and the footnotes will be of value to the student, since they give many references to recent literature, particularly that dealing with the new German Constitution. There are a few positive errors and half-truths, but in view of the abbreviation that was necessary, it is remarkable that these are not more numerous. Mr. Finer is an assistant in the Department of Public Administration of the London School of Economics, and acknowledges the assistance of Mr. Harold Laski. Mr. Laski's influence is discernible in the emphasis on certain points and in the idiosyncrasies of the footnotes.

Of the new constitutions adopted in Europe the most important is the German, and of the many treatises which already deal with it, the most valuable is M. René Brunet's *La Constitution allemande du 11 Août 1919* (Paris, Payot, 1921; xviii, 364 pp.). The author is well-equipped for his task. He is professor of constitutional law at Caen, and, while preparing his book, was counsellor of the French Embassy in Berlin. His discussion avoids the pitfalls of nebulous theory and the easy paths of simple description, but the pity is that

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with his facilities for observation and documentation, M. Brunet has not produced a better book. He does well not to emulate the German writers who are producing ponderous tomes on theoretical points or arguing for particular changes, but, on the other hand, M. Brunet has been too content to paraphrase the text of the Constitution, and, while he adds much, he could have added a great deal more in making accessible the vast pamphlet literature which was issued to persuade Germany's "founding fathers", and in analyzing more at length the Weimar debates to show the suggestions that were discarded and the sources of the provisions that found their way into the final instrument. The major portion of the book, however, is wisely devoted to the more important and unusual points of the Constitution. Is Germany a unitary or federal state (*Einheitstaat oder Bundesstaat*)? M. Brunet inclines on the whole to the former view. The tests that he applies are the powers of the individual states (*Länder*) to dispose of their own territories, to determine their forms of government, and to participate as states in formulating the will of the *Reich* (page 61). The place of Prussia in the *Reich* receives careful consideration, and there are interesting sections on direct government, executive responsibility, the diluted bicameral system, and the very advanced provisions for nationalization and the control of economic life. Particularly to be commended is M. Brunet's discussion of the councils during the events leading to the revolution; the struggle of the advocates of functional representation in the constitutional assembly, and the final compromise on the National Economic Council (*Reichswirtschaftsrat*). The author is conservative and objective in his treatment, and while he has a few doubts as to whether the Constitution will work, he does not hesitate to praise it. From the point of view of technical jurisprudence, he declares it to be "well made"; and in spite of some obscurities, it is "logical, audacious, carefully conceived and solidly built" (page 320). An introduction to the volume is contributed by M. Joseph Barthélemy, who is known to American students as a professor of law rather than in his new rôle of a member of the Chamber of Deputies. The introduction is written in a parliamentary rather than an academic manner: from the point of view of French security, the unitary features of the Constitution cannot be commended. Hopes are deceived and perils are not lessened. The Constitution completes the ideal of Bismarck (page ix), and while M. Barthélemy admits the possibility of *Et ab hoste doceri*, the safety of France is the standard by which the German governmental arrangements are judged.

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In his *Modern Democracies* Lord Bryce regretted that historians and political philosophers have paid so little attention to the governmental institutions of the twenty republics (other than the United States) in the Western Hemisphere. "Most writers," he said, "have been content to refer to them as awful examples of what befalls people who have cast themselves loose from monarchial institutions. Even Sir Henry Maine in his ingenious but elusive book on *Popular Government* (published in 1885) did not hesitate to make them the basis of his case against Democracy." Especially welcome, therefore, is a very careful study of the political institutions of one of these countries, L. S. Rowe's *The Federal System of the Argentine Republic* (Washington: The Carnegie Institution, 1921; vii, 161 pp.). It should be of particular interest to American students since the constitution of the United States has had a great deal of influence on the form and content of the Argentine federal system. This influence, Mr. Rowe points out, has been exaggerated, and the constitutional practices of the two countries disclose many contrasts of fundamental significance. "The opportunity is thus afforded to study the operation of constitutional provisions identical in form under totally different conditions." Half of the monograph is given over to historical material and a discussion of the relation of the federal government to the provinces. The second half is devoted to the organization and principles of the federal system. The bibliographical note is a complete index of works on Argentine's constitutional law and appendices give the text of the constitution, a summary of the electoral law, some documents illustrative of the republic's constitutional development, and statistics of illiteracy—a condition which makes some oligarchic and central control inevitable. Mr. Rowe's study was made during an extensive residence in Argentine. If it is followed by monographs on some of the other South American governments, Lord Bryce's regret will no longer be well founded.

For many years to come students of politics will be profoundly interested in the manner in which governments met the tests imposed upon them by the exigencies of the world war. Flexible constitutions were changed; rigid constitutions were stretched to the breaking point; new experiments were made; machinery functioned differently and was added to. A rather conservative critic has said that in England Mr. Lloyd George's War Cabinet worked as many changes in the English Constitution as had the previous century of growth. In the United States the chief effects were in the vast

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extension of the powers of the federal government and the increased importance of the presidential office. The latter problem is fully dealt with by Mr. Clarence A. Berdahl's *War Powers of the Executive in the United States* (Urbana, University of Illinois Studies in the Social Sciences, 1921; 296 pp.). Prepared as a doctoral dissertation, the study is an admirable example of the possibilities of laborious and meticulous research. Mr. Berdahl's labors have made him familiar with all sorts of sources: secondary treatises, judicial decisions, histories, biographies, newspaper articles, presidential messages, executive orders, treaties, public documents, and the *Congressional Record*. A phrase is even translated from an article written for a French periodical by Professor Garner, of the University of Illinois. According to Mr. Berdahl's classification, the President's powers are divisible into four groups: powers relating to the beginning of war; military powers in time of war; civil powers in time of war, and powers relating to the termination of war. The third group is the most interesting and the most difficult; the questions it raises are not so much those of constitutional law as of political control, departmental articulation, and administrative organization. Mr. Berdahl gives so many details that one retains only a very hazy picture of what actually happened. Special administrative agencies; police supervision with regard to aliens and censorship, control of food, fuel, trade, industry, transportation and communication—these were the most difficult problems of the war government. The experience acquired in dealing with them should furnish valuable lessons for the future. Mr. Berdahl gives all the facts but is reluctant to praise or criticize, and the reader of this part of his monograph will not have any clear impression of administrative machinery which was well run with the President as chief engineer, or that was so poorly adjusted that it failed, or was able to function only with great waste. The very extensive footnotes and a full bibliography help to make the study of value to students.

Two technically useful little volumes of a complementary sort have recently come to our desk. In *Field Work and Social Research* (New York, The Century Company, 1920; xi, 224 pp.), Professor F. Stuart Chapin (Smith College) has accumulated in a practical arrangement data and exhibits of well-tested methods used in making first-hand investigations of conditions of living and of laboring. The information which Dr. Chapin has collected is organized in such a manner as to make the volume valuable as a handbook as well as a reference work. The use of field-work findings

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and a very effective method of correcting undesirable conditions are described in the volume prepared by Mary Swain Routzahn for the Russell Sage Foundation (New York, Russell Sage Foundation, 1920; xi, 151 pp.) and is entitled *Traveling Publicity Campaigns*. The book sets forth very concrete methods of selling ideas of social betterment, stimulating ambition, and demonstrating how this ambition may be attained. The value of direct communication and of the appeal to the eye has never been doubted. This work, itself elaborately illustrated, outlines ways and means of making such an appeal by the use of materials transported on motor vehicles.

Broken Homes (New York, Russell Sage Foundation, 1921; 208 pp.) by Joanna C. Colcord, Superintendent of the Charity Organization of the City of New York, is "a study of family desertion and its social treatment." Although it is written by a specialist and will serve as a handbook for the social worker, there is much to be gleaned from it by any reader who is interested in his fellowmen. It shows what patience, tact, sympathy, quickness of wit, and technique are required in this field of work. This is especially well illustrated by the series of letters in chapter vii written by a district secretary and addressed to "Mr. Andrews". They exhibit personal interest in the man and all that concerns him and offer him sound advice and encouragement to make good in an up-hill fight. The book is more particularly worthy of note, however, as showing the development in the treatment of desertion during the last twenty years or so. There was an early stage when charity organizations, by stepping in prematurely to aid the abandoned family, played into the hands of the deserting husband. Upon this period followed one in which things went to the other extreme and disciplinary laws of a rigorous nature were enacted. Finally, the third and most recent method of treatment sets out to moderate the two previous extremes; not to help the family out-of-hand but rather to help them to get on their own feet; not to send the deserter to prison if other ways of dealing with him are practicable. This method attempts to straighten out the tangles caused by desertion by studying the case in its entire setting; getting as much light as possible on all the circumstances, past and present, which may have been contributory causes of the final act. Miss Colcord offers a constructive suggestion for the preventive treatment of desertion in the form of a bureau of family advice; this bureau to rely on the services of social workers, doctors and psychiatrists; to be strictly confidential in nature; and to be run along the lines of a clinic.

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